TITLE 38—VETERANS' BENEFITS

This title was enacted by Pub. L. 85-857, § 1, Sept. 2, 1958, 72 Stat. 1105

PART I—GENERAL PROVISIONS

CHAPTER 1—GENERAL

§ 101. Definitions

For the purposes of this title—

[*See main edition for text of (1) to (3)*]

(4)(A) The term "child" means (except for purposes of chapter 19 of this title and section 5202(b) of this title) a person who is unmarried and—

(i) who is under the age of eighteen years;

(ii) who, before attaining the age of eighteen years, became permanently incapable of self-support; or

(iii) who, after attaining the age of eighteen years and until completion of education or training (but not after attaining the age of twenty-three years), is pursuing a course of instruction at an approved educational institution;

and who is a legitimate child, a legally adopted child, a stepchild who is a member of a veteran's household or was a member at the time of the veteran's death, or an illegitimate child but, as to the alleged father, only if acknowledged in writing signed by him, or if he has been judicially ordered to contribute to the child's support or has been, before his death, judicially decreed to be the father of such child, or if he is otherwise shown by evidence satisfactory to the Administrator to be the father of such child. A person shall be deemed, as of the date of death of a veteran, to be the legally adopted child of such veteran if such person was at the time of the veteran's death living in the veteran's household and was legally adopted by the veteran's surviving spouse within two years after the veteran's death or the date of enactment of this sentence; however, this sentence shall not apply if at the time of the veteran's death, such person was receiving regular contributions toward the person's support from some individual other than the veteran or the veteran's spouse, or from any public or private welfare organization which furnishes services or assistance for children. A person with respect to whom an interlocutory decree of adoption has been issued by an appropriate adoption authority shall be recognized thereafter as a legally adopted child, unless and until that decree is rescinded, if the child remains in the custody of the adopting parent or parents during the interlocutory period. A person who has been placed for adoption under an agreement entered into by the adopting parent or parents with any agency authorized under law to so act shall be recognized thereafter as a legally adopted child, unless and until such agreement is terminated, if the child remains in the custody of the adopting parent or parents during the period of placement for adoption under such agreement.

(B) For the purposes of subparagraph (A) of this paragraph, in the case of an adoption under the laws of any jurisdiction other than a State (as defined in section 101(20) of this title and including the Commonwealth of the Northern Mariana Islands)—

(i) a person residing outside any of the States shall not be considered to be a legally adopted child of a veteran during the lifetime of such veteran (including for purposes of this subparagraph a Commonwealth Army veteran or new Philippine Scout, as defined in section 1766 of this title) unless such person—

(I) was less than eighteen years of age at the time of adoption;

(II) is receiving one-half or more of such person's annual support from such veteran;

(III) is not in the custody of such person's natural parent, unless such natural parent is such veteran's spouse; and

(IV) is residing with such veteran (or in the case of divorce following adoption, with the divorced spouse who is also an adoptive or natural parent) except for periods during which such person is residing apart from such veteran (or such divorced spouse) for purposes of full-time attendance at an educational institution or during which such person or such veteran (or such divorced spouse) is confined in a hospital, nursing home, other health-care facility, or other institution; and

(ii) a person shall not be considered to have been a legally adopted child of a veteran as of the date of such veteran's death and thereafter unless—

(I) at any time within the one-year period immediately preceding such veteran's death, such veteran was entitled to and was receiving a dependent's allowance or similar monetary benefit under this title for such person; or

(II) for a period of at least one year prior to such veteran's death, such person met the requirements of clause (i) of this subparagraph.

[*See main edition for text of (5) to (14)*]

(15) The term "pension" means a monthly or other periodic payment made by the Administrator to a veteran because of service, age, or

non-service-connected disability, or to a surviving spouse or child of a veteran because of the non-service-connected death of the veteran.

[*See main edition for text of (16) and (17)*]

(18) The term "discharge or release" includes (A) retirement from the active military, naval, or air service, and (B) the satisfactory completion of the period of active military, naval, or air service for which a person was obligated at the time of entry into such service in the case of a person who, due to enlistment or reenlistment, was not awarded a discharge or release from such period of service at the time of such completion thereof and who, at such time, would otherwise have been eligible for the award of a discharge or release under conditions other than dishonorable.

[*See main edition for text of (19) to (28)*]

(29) The term "Vietnam era" means the period beginning August 5, 1964, and ending on May 7, 1975.

[*See main edition for text of (30) and (31)*]

(As amended Pub. L. 95–126, § 3, Oct. 8, 1977, 91 Stat. 1108; Pub. L. 95–202, title III, § 309(a), Nov. 23, 1977, 91 Stat. 1446; Pub. L. 95–588, title III, § 301, Nov. 4, 1978, 92 Stat. 2506; Pub. L. 96–22, title IV, § 401, June 13, 1979, 93 Stat. 62.)

AMENDMENTS

1979—Par. (4). Pub. L. 96–22 designated existing provisions as subpar. (A) and existing subpars. (A), (B), and (C) thereof as cls. (i), (ii), and (iii), respectively, and added subpar. (B).

1978—Par. (15). Pub. L. 95–588 inserted "or other periodic" following "monthly".

1977—Par. (18). Pub. L. 95–126 designated existing provisions as cl. (A) and added cl. (B).

Par. (29). Pub. L. 95–202 substituted "May 7, 1975" for "such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress"

CHANGE OF NAME

The Secretary of Health, Education, and Welfare was redesignated the Secretary of Health and Human Services by section 3508 of Title 20, Education.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 401 of Pub. L. 95–588 provided that: "The amendments made by this Act [see Short Title of 1978 Amendment note below] to title 38, United States Code, shall become effective on January 1, 1979."

EFFECTIVE DATE OF 1977 AMENDMENTS

Section 501 of Pub. L. 95–202 provided that: "The provisions of this Act [see Short Title of 1977 Amendment note below] shall become effective on the first day of the first month beginning 60 days after the date of enactment of this Act [Nov. 23, 1977], except that the provisions of title I [amending sections 1504, 1677, 1682, 1685, 1692, 1696, 1732, 1742, 1786, 1787, and 1798 of this title] and section 304(a)(1)(A) [amending section 1784(b) of this title] shall be effective retroactively to October 1, 1977, the provisions of sections 201 and 202 [enacting sections 1682A, 1738, and provisions set out as notes under section 1682A and amending section 1798 of this title] shall become effective on January 1, 1978, the provisions of section 203 [amending sections 1662 and 1712 of this title] shall be effective retroactively to May 31, 1976, and the provisions of sections 301, 302(2), 304(a)(1)(B), 304(a)(2), 305(a)(3), 305(b)(2), 305(b)(3), 305(b)(4), 305(c), 306, 307, 308, 309, and 310 and of title IV [enacting section 246, amending sections 101, 210, 1698, 1784, 1785, 1790, 2007, and 2014, and enacting provisions set out as notes under sections 106, 246, 1501, 1673, 1674, and 3101 of this title] shall be effective upon enactment [Nov. 23, 1977]."

Amendment by Pub. L. 95–126 effective Oct. 8, 1977, see section 5 of Pub. L. 95–126, set out as an Effective Date of 1977 Amendment note under section 3103 of this title.

SHORT TITLE OF 1979 AMENDMENTS

Pub. L. 96–151, § 1(a), Dec. 20, 1979, 93 Stat. 1092, provided that: "This Act [amending sections 111, 601, 612 to 614, 628, 641, 4104 to 4106, 4112, 5010, 5033, 5053 to 5055, 5070, 5082, and 5083 of this title, and enacting provisions out as notes under sections 111, 219, 314, 613, 641, 4105, and 5010 of this title] may be cited as the 'Veterans Health Programs Extension and Improvement Act of 1979'."

Pub. L. 96–128, § 1, Nov. 28, 1979, 93 Stat. 982, provided: "That this Act [enacting sections 726, 761, and 1828 of this title, amending sections 314, 315, 362, 411, 413, 414, 611, 612A, 620A, 663, 718, 725, 753, and 5005 of this title, and enacting provisions set out as notes under section 314 of this title and section 6103 of Title 26, Internal Revenue Code] may be cited as the 'Veterans' Disability Compensation and Survivors' Benefits Amendments of 1979'."

Section 1(a) of Pub. L. 96–22 provided that: "This Act [enacting sections 612A, 620A, 634, 661 to 664, and 5001 to 5015 of this title, amending sections 101, 210, 230, 235, 601, 610 to 612, 4107, 4108, and 5021 to 5024 of this title, renumbering section 634 of this title as 635, and enacting provisions set out as notes under sections 101, 210, 235, 601, 612, 612A, and 5001 of this title] may be cited as the 'Veterans' Health Care Amendments of 1979'."

SHORT TITLE OF 1978 AMENDMENTS

Section 1 of Pub. L. 95–588 provided: "That this Act [enacting sections 508 and 3112 of this title, amending sections 101, 415, 501, 503, 506, 512, 521, 522, 536, 541 to 543, 612, 3012, 3104, and 3203 of this title, repealing section 544 of this title, and enacting provisions set out as notes under sections 101 and 521 of this title] may be cited as the 'Veterans' and Survivors' Pension Improvement Act of 1978'."

Pub. L. 95–520, § 1, Oct. 26, 1978, 92 Stat. 1820, provided: "That this Act [amending sections 230, 601, 624, 632, 2012, 2014, and 5082 of this title, enacting a provision set out as a note under section 601 of this title, and amending a provision set out as a note under section 4118 of this title] may be cited as the 'Veterans' Administration Programs Extension Act of 1978'."

Pub. L. 95–479, § 1(a), Oct. 18, 1978, 92 Stat. [560, provided that: "This Act [amending sections 314, 315, 362, 410, 411, 413, 414, 562, 902, 903, 906, 907, 1902 and 3101 of this title, and section 121 of Title 36, Patriotic Societies and Observances, and enacting provisions set out as notes under sections 301 and 314 of this title and section 295a of Title 24, Hospitals and Asylums] may be cited as the 'Veterans' Disability Compensation and Survivors' Benefits Act of 1978'."

Pub. L. 95–476, § 1(a), Oct. 18, 1978, 92 Stat. 1497, provided that: "This Act [enacting section 1008 of this title, amending sections 802, 902, 903, 906, 1798, 1802, 1803, 1810, 1811, 1818, 1819 of this title, and enacting provisions set out as notes under sections 903, 1802 of this title] may be cited as the 'Veterans' Housing Benefits Act of 1978'."

SHORT TITLE OF 1977 AMENDMENTS

Pub. L. 95–204, § 1, Dec. 2, 1977, 91 Stat. 1455, provided: "That this Act [amending sections 322, 415, 521, 541, 542, and 544 of this title, enacting provision set out as a note under section 322 of this title, and amending provision set out as a note under section 521

of this title] be cited as the 'Veterans and Survivors Pension Adjustment Act of 1977'."

Section 1 of Pub. L. 95-202 provided: "That this Act [enacting sections 246, 1682A, and 1738 of this title, amending sections 101, 210, 1504, 1662, 1663, 1673, 1674, 1677, 1682, 1685, 1692, 1696, 1698, 1712, 1724, 1732, 1742, 1774, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1798, 2007, and 2014 of this title, and enacting provisions set out as notes under sections 101, 106, 246, 1501, 1673, 1674, 1682A, 1792, 1820, and 3101 of this title] may be cited as the 'GI Bill Improvement Act of 1977'."

Pub. L. 95-201, § 1, Nov. 23, 1977, 91 Stat. 1429, provided: "That this Act [which amended sections 4105, 4107, 4114, 4118, and 5001 of this title, enacted provisions set out as notes under sections 4105, 4107, and 4118 of this title, and amended provision set out as a note under section 4118 of this title] may be cited as the 'Veterans' Administration Physician and Dentist Pay Comparability Amendments of 1977'."

Section 1 of Pub. L. 95-117, Oct. 3, 1977, 91 Stat. 1063, provided: "That this Act [which amended sections 314, 315, 362, 411, 413, 414, 801, 1820, and 3020 of this title, and enacted provisions set out as notes under sections 314, 1820, and 3020 of this title] may be cited as the 'Veterans Disability Compensation and Survivor Benefits Act of 1977'."

Section 1 of Pub. L. 95-62, July 5, 1977, 91 Stat. 262, provided: "That this Act [amending sections 5031 to 5036 of this title, repealing section 644 of this title, and enacting provisions set out as a note under section 5031 of this title] may be cited as the 'State Veterans' Home Assistance Improvement Act of 1977'."

STUDY OF BENEFITS PAYABLE TO PERSONS RESIDING OUTSIDE THE UNITED STATES; REPORT AND RECOMMENDATIONS NOT LATER THAN FEBRUARY 1, 1980

Section 402 of Pub. L. 96-22 provided that:

"(a) The Administrator of Veterans' Affairs, in consultation with the Secretary of State, shall carry out a comprehensive study of benefits payable under the provisions of title 38, United States Code, to persons who reside outside the fifty States and the District of Columbia. The Administrator shall include in such study—

"(1) an analysis of the issues involved in the payment of such benefits to persons who reside outside the fifty States and the District of Columbia, together with analyses of such aspects of the economy of each foreign country and each territory, possession, and Commonwealth of the United States in which a substantial number of persons receiving such benefits reside as are relevant to such issues (such as the rate of inflation, the standard of living, and health care, educational, housing, and burial costs);

"(2) an analysis of the issues involved in the payment of such benefits as the result of adoptions under laws other than the laws of any of the fifty States or the District of Columbia;

"(3) an analysis of the amounts and method of payment of benefits payable to persons entitled, by virtue of sections 107 and 1765 of such title, to benefits under chapters 11, 13, and 35 of such title;

"(4) estimates of the present and future costs of paying monetary benefits under such title to persons described in clauses (1) and (3);

"(5) an evaluation of the desirability of continuing to maintain the Veterans' Administration Regional Office in the Republic of the Philippines, taking into consideration (A) the current and expected future workloads of such office, (B) the estimated cost in fiscal years 1981 through 1985 of continuing to maintain such regional office, (C) the feasibility and desirability of transferring appropriate functions of such regional office to the United States Embassy in the Republic of the Philippines, and (D) a provisional plan, which the Administrator shall develop, for the closing of such office and so transferring such functions, together with cost estimates for fiscal years 1981 through 1985 for the implementation of such plan assuming that such office is closed before October 1, 1981; and

"(6) an evaluation of the effects of the amendments to such title made by section 401 of this Act [amending par. (4) of this section].

"(b) Not later than February 1, 1980, the Administrator shall report to the Congress and to the President on the results of such study together with the Administrator's recommendations for resolving the issues to be analyzed and evaluated in such study.

"(c) The Administrator shall (1) carry out the study required under subsection (a) of this section in conjunction with the study required under section 308(a) of the Veterans' and Survivors' Pension Improvement Act of 1978 (Public Law 95-588) [set out as a note under section 521 of this title], and (2) submit the reports of such studies as a combined report."

§ 106. Certain service deemed to be active service

REFERENCES IN TEXT

The Act of June 27, 1944, referred to in subsec. (e), is act June 27, 1944, ch. 287, 58 Stat. 387, as amended, known as the Veterans' Preference Act of 1944, which was repealed and the provisions thereof reenacted as sections 1302(b), (c), 2108, 3305(b), 3306(a)(2), 3308 to 3318, 3319(b), 3320, 3351, 3363, 3364, 3501 to 3504, 7511, 7512, and 7701 of Title 5, Government Organization and Employees, by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378. Section 3306 of Title 5 was repealed by Pub. L. 95-228, § 1, Feb. 10, 1978, 92 Stat. 25; and section 3319 of Title 5 was repealed by Pub. L. 95-454, title III, § 307(h)(1), Oct. 13, 1978, 92 Stat. 1149.

WOMEN'S AIR FORCES SERVICE PILOTS

Pub. L. 95-202, title IV, § 401, Nov. 23, 1977, 91 Stat. 1449, provided that:

"(a)(1) Notwithstanding any other provision of law, the service of any person as a member of the Women's Air Forces Service Pilots (a group of Federal civilian employees attached to the United States Army Air Force during World War II), or the service of any person in any other similarly situated group the members of which rendered service to the Armed Forces of the United States in a capacity considered civilian employment or contractual service at the time such service was rendered, shall be considered active duty for the purposes of all laws administered by the Veterans' Administration if the Secretary of Defense, pursuant to regulations which the Secretary shall prescribe—

"(A) after a full review of the historical records and all other available evidence pertaining to the service of any such group, determines, on the basis of judicial and other appropriate precedent, that the service of such group constituted active military service, and

"(B) in the case of any such group with respect to which such Secretary has made an affirmative determination that the service of such group constituted active military service, issues to each member of such group a discharge from such service under honor-and [sic, probably should read "honorable"] conditions where the nature and duration of the service of such member so warrants.

Discharges issued pursuant to the provisions of the first sentence of this paragraph shall designate as the date of discharge that date, as determined by the Secretary of Defense, on which such service by the person concerned was terminated.

"(2) In making a determination under clause (A) of paragraph (1) of this subsection with respect to any group described in such paragraph, the Secretary of Defense may take into consideration the extent to which—

"(A) such group received military training and acquired a military capability or the service performed by such group was critical to the success of a military mission,

"(B) the members of such group were subject to military justice, discipline, and control,

"(C) the members of such group were permitted to resign,

"(D) the members of such group were susceptible to assignment for duty in a combat zone, and

"(E) the members of such group had reasonable expectations that their service would be considered to be active military service.

"(b)(1) No benefits shall be paid to any person for any period prior to the date of enactment of this title [Nov. 23, 1977] as a result of the enactment of subsection (a) of this section.

"(2) The provisions of section 106(a)(2) of title 38, United States Code, relating to election of benefits, shall be applicable to persons made eligible for benefits, under laws administered by the Veterans' Administration, as a result of implementation of the provisions of subsection (a) of this section."

§ 111. Travel expenses

[See main edition for text of (a) to (d)]

(e) *[See main edition for text of (1)]*

(2) In no event shall payment be provided under this section—

(A) unless the person claiming reimbursement has been determined, pursuant to regulations which the Administrator shall prescribe, to be unable to defray the expenses of such travel (except with respect to a person receiving benefits for or in connection with a service-connected disability under this title, a veteran receiving or eligible to receive pension under section 521 of this title, or a person whose annual income, determined in accordance with section 503 of this title, does not exceed the maximum annual rate of pension which would be payable to such person if such person were eligible for pension under section 521 of this title);

[See main edition for text of (B) and (C); (3) and (4)]

(As amended Pub. L. 96-151, title II, § 201(a), Dec. 20, 1979, 93 Stat. 1093.)

AMENDMENTS

1979—Subsec. (e)(2)(A). Pub. L. 96-151 substituted provisions respecting determinations pursuant to regulations prescribed by the Administrator, subject to applicable exceptions, for provisions respecting determinations based on annual declarations and certifications by persons claiming reimbursements, subject to applicable exceptions.

EFFECTIVE DATE OF 1979 AMENDMENT

Section 206 of Pub. L. 96-151 provided that: "Except as otherwise provided in section 205(b), the amendments made by this title [amending sections 111, 601, 614, and 628 of this title] shall take effect on January 1, 1980."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 601, 614, 628, 632 of this title.

CHAPTER 3—VETERANS' ADMINISTRATION; OFFICERS AND EMPLOYEES

SUBCHAPTER I—VETERANS' ADMINISTRATION

Sec.
235. Benefits to employees at overseas offices who are United States citizens.

SUBCHAPTER IV—VETERANS OUTREACH SERVICES PROGRAM

Sec.
246. Veterans cost-of-instruction payments to institutions of higher learning.

AMENDMENTS

1979—Pub. L. 96-22, title V, § 503(c)(2), June 13, 1979, 93 Stat. 65, substituted "overseas" for "oversea" in item 235.

1977—Pub. L. 95-202, title III, § 310(b)(2), Nov. 23, 1977, 91 Stat. 1449, added item 246.

SUBCHAPTER II—ADMINISTRATOR OF VETERANS' AFFAIRS

§ 210. Appointment and general authority of Administrator; Deputy Administrator

[See main edition for text of (a) and (b)]

(c)(1) The Administrator has authority to make all rules and regulations which are necessary or appropriate to carry out the laws administered by the Veterans' Administration and are consistent therewith, including regulations with respect to the nature and extent of proofs and evidence and the method of taking and furnishing them in order to establish the right to benefits under such laws, the forms of application by claimants under such laws, the methods of making investigations and medical examinations, and the manner and form of adjudications and awards. Any rules, regulations, guidelines, or other published interpretations or orders, or any amendment thereto, issued pursuant to the authority granted by this subsection or any other provision of this title shall contain, immediately following each substantive provision of such rules, regulations, guidelines, or other published interpretations or orders, or any amendment thereto, citations to the particular section or sections of statutory law or other legal authority upon which such rule, regulation, guideline, or other published interpretation or order is based or, in the case of any amendment thereto, upon which such amendment and the rule, regulation, guideline, interpretation or order being amended is based.

[See main edition for text of (2) and (3)]

(d) There shall be in the Veterans' Administration a Deputy Administrator of Veterans' Affairs who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Administrator shall perform such functions as the Administrator shall designate and, unless the President shall designate another officer of the Government, shall be Acting Administrator of Veterans' Affairs during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

(As amended Pub. L. 95-202, title III, § 301, Nov. 23, 1977, 91 Stat. 1440; Pub. L. 96-22, title V, § 502(a), June 13, 1979, 93 Stat. 64.)

AMENDMENTS

1979—Subsec. (d). Pub. L. 96-22 substituted "appointed by the President, by and with the advice and consent of the Senate" for "appointed by the Administrator".

1977—Subsec. (c)(1). Pub. L. 95-202 added provision that any rules, regulations, guidelines, or other pub-

lished interpretations or orders, or any amendment thereto, issued pursuant to the authority granted by this subsection or any other provision of this title contain, immediately following each substantive provision of such rules, regulations, guidelines, or other published interpretations or orders, or any amendment thereto, citations to the particular section or sections of statutory law or other legal authority upon which the rule, regulation, guideline, or other published interpretation or order is based or, in the case of any amendment thereto, upon which the amendment and the rule, regulation, guideline, interpretation or order being amended is based.

EFFECTIVE DATE OF 1979 AMENDMENT

Section 502(b) of Pub. L. 96–22 provided that:

"(1) The amendment made by subsection (a) [amending this section] shall take effect (A) on the date on which a vacancy first occurs in the office of Deputy Administrator of Veterans' Affairs after the date of the enactment of this Act [June 13, 1979] or on such earlier date as the President submits to the Senate, for the advice and consent of the Senate, the nomination of any individual for appointment to such office, or (B) on the date of the enactment of this Act if such office is vacant on such date.

"(2) The Administrator of Veterans' Affairs may designate the individual holding the office of Deputy Administrator of Veterans' Affairs on the date of the enactment of this Act [June 13, 1979], or any other individual, to serve in such office in an acting capacity pending the first appointment of an individual to such office as provided for in the amendment made by subsection (a) [amending this section]."

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–202 effective Nov. 23, 1977, see section 501 of Pub. L. 95–202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

OFFICE OF INSPECTOR GENERAL

All the functions, powers, and duties of the Office of Audits and the Office of Investigations of the Veterans' Administration were transferred to the Office of Inspector General in the Veterans' Administration, by section 9(a)(1)(L) of the Inspector General Act of 1978 Pub. L. 95–452, set out in the Appendix to Title 5, Government Organization and Employees, section 2 of which established such Office of Inspector General.

EMERGENCY PREPAREDNESS, FUNCTIONS

For assignment of certain emergency preparedness functions to the Administrator of Veterans' Affairs, see Parts 1, 29, and 30 of Ex. Ord. No. 11490, Oct. 28, 1969, 34 F.R. 17567, set out as a note under section 2251 of Title 50, Appendix, War and National Defense.

§ 214. Reports to the Congress

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 245, 618, 654, 664 of this title.

§ 219. Evaluation and data collection

AGENT ORANGE STUDY; REPORT TO CONGRESSIONAL COMMITTEES

Pub. L. 96–151, title III, § 307, Dec. 20, 1979, 93 Stat. 1097, provided that:

"(a)(1) The Administrator of Veterans' Affairs shall design a protocol for and conduct an epidemiological study of persons who, while serving in the Armed Forces of the United States during the period of the Vietnam conflict, were exposed to any of the class of chemicals known as 'the dioxins' produced during the manufacture of the various phenoxy herbicides (including the herbicide known as 'Agent Orange') to determine if there may be long-term adverse health effects in such persons from such exposure. The Administrator shall also conduct a comprehensive review and scientific analysis of the literature covering other studies relating to whether there may be long-term adverse health effects in humans from exposure to such dioxins or other dioxins.

"(2)(A)(i) The study conducted pursuant to paragraph (1) shall be conducted in accordance with a protocol approved by the Director of the Office of Technology Assessment.

"(ii) The Director shall monitor the conduct of such study in order to assure compliance with such protocol.

"(B)(i) Concurrent with the approval or disapproval of any protocol under subparagraph (A)(i), the Director of the Office of Technology Assessment shall submit to the appropriate committees of the Congress a report explaining the basis for the Director's action in approving or disapproving such protocol and providing the Director's conclusions regarding the scientific validity and objectivity of such protocol.

"(ii) In the event that the Director has not approved such protocol during the one hundred and eighty days following the date of the enactment of this Act [Dec. 20, 1979], the Director shall (I) submit to the appropriate committees of the Congress a report describing the reasons why the Director has not given such approval, and (II) submit an update report on such initial report each sixty days thereafter until such protocol is approved.

"(C) The Director shall submit to the appropriate committees of the Congress, at each of the times specified in the second sentence of this subparagraph, a report on the Director's monitoring of the conduct of such study pursuant to subparagraph (A)(ii). A report under the preceding sentence shall be submitted before the end of the six-month period beginning on the date of the approval of such protocol by the Director, before the end of the twelve-month period beginning on such date, and annually thereafter until such study is completed or terminated.

"(3) The study conducted pursuant to paragraph (1) shall be continued for as long after the submission of the report under subsection (b)(2) as the Administrator may determine reasonable in light of the possibility of developing through such study significant new information on the long-term adverse health effects of exposure to dioxins.

"(b)(1) Not later than twelve months after the date of the enactment of this Act [Dec. 20, 1979], the Administrator shall submit to the appropriate committees of the Congress a report on the literature review and analysis conducted under subsection (a)(1).

"(2) Not later than twenty-four months after the date of the approval of the protocol pursuant to subsection (a)(2)(A)(i) and annually thereafter, the Administrator shall submit to the appropriate committees of the Congress a report containing (A) a description of the results thus far obtained under the study conducted pursuant to such subsection, and (B) such comments and recommendations as the Administrator considers appropriate in light of such results.

"(c) For the purpose of assuring that any study carried out by the Federal Government with respect to the adverse health effects in humans of exposure to dioxins is scientifically valid and is conducted with efficiency and objectivity, the President shall assure that—

"(1) the study conducted pursuant to subsection (a) is fully coordinated with studies which are planned, are being conducted, or have been completed by other departments, agencies, and instrumentalities of the Federal Government and which pertain to the adverse health effects in humans of exposure to dioxins; and

"(2) all appropriate coordination and consultation is accomplished between and among the Administrator and the heads of such departments, agencies, and instrumentalities that may be engaged, during the conduct of the study carried out pursuant to

subsection (a), in the design, conduct, monitoring, or evaluation of such dioxin-exposure studies.

"(d) There are authorized to be appropriated such sums as may be necessary for the conduct of the study required by subsection (a)."

SUBCHAPTER III—VETERANS' ADMINISTRATION REGIONAL OFFICES: EMPLOYEES

§ 230. Central and regional offices

[*See main edition for text of (a)*]

(b) The Administrator may exercise authority under this section in territory of the Republic of the Phillipines[1] until September 30, 1981.

[(c) Repealed. Pub. L. 96–22, title V, § 503(a), June 13, 1979, 93 Stat. 65]

(As amended Pub. L. 95–520, § 2, Oct. 26, 1978, 92 Stat. 1820; Pub. L. 96–22, title V, § 503(a), June 13, 1979, 93 Stat. 65.)

AMENDMENTS

1979—Subsec. (c). Pub. L. 96–22 struck out subsec. (c) which had authorized the establishment and maintenance of an office in Europe.

1978—Subsec. (b). Pub. L. 95–520 substituted "September 30, 1981" for "June 30, 1978".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 243 of this title.

§ 235. Benefits to employees at overseas offices who are United States citizens

The Administrator may, under such rules and regulations as may be prescribed by the President or his designee, provide to personnel of the Veterans' Administration who are United States citizens and are assigned by the Administrator to the Veterans' Administration offices in the Republic of the Philippines allowances and benefits similar to those provided by the following provisions of law:

(1) Section 1131 of title 22 (relating to allowances to provide for the proper representation of the United States).

(2) Section 1136(1), (2), (3), (4), (5), (7), and (11) of title 22 (relating to travel expenses).

[*See main edition for text of (3) to (5)*]

(6) Section 5724a(a)(3) of title 5 (relating to subsistence expenses for 30 days in connection with the return to the United States of the employee and such employee's immediate family).

(7) Section 5724a(a)(4) of title 5 (relating to the sale and purchase of the residence or settlement of an unexpired lease of the employee when transferred from one station to another station and both stations are in the United States, its territories or possessions, or the Commonwealth of Puerto Rico).

The foregoing authority supplements, but is not in lieu of, other allowances and benefits for overseas employees of the Veterans' Administration provided by titles 5 and 22.

(As amended Pub. L. 96–22, title V, § 503(b), (c)(1), June 13, 1979, 93 Stat. 65.)

[1] So in original. Probably should be "Philippines."

AMENDMENTS

1979—Pub. L. 96–22 substituted "overseas" for "oversea" in the section catchline, struck out "or to the Veterans' Administration office in Europe, established pursuant to section 230(c) of this title," following "Republic of the Philippines" in the provisions preceding cl. (1), substituted "(7), and (11)" for "and (7)" in cl. (2), and added cls. (6) and (7).

EFFECTIVE DATE OF 1979 AMENDMENT

Section 503(d) of Pub. L. 96–22 provided that: "The amendment made by subsection (b)(3) [adding cls. (6) and (7) of this section] shall take effect on October 1, 1979."

SUBCHAPTER IV—VETERANS OUTREACH SERVICES PROGRAM

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1685, 2003 of this title; title 29 section 802.

§ 246. Veterans cost-of-instruction payments to institutions of higher learning

(a)(1) During the period beginning on July 1, 1972, and ending on September 30, 1979, each institution of higher learning shall be entitled to a payment under, and in accordance with, this section during any fiscal year if—

(A) the number of persons who are veterans receiving vocational rehabilitation under chapter 31 of this title or veterans receiving educational assistance under chapter 34 of this title, and who are in attendance as undergraduate students at such institution during any academic year, equals at least—

(i) 110 per centum of the number of such recipients who were in attendance at such institution during the preceding academic year, or

(ii) 10 per centum of the total number of undergraduate students in attendance at such institution during such academic year and if such number does not constitute a per centum of such undergraduate students which is less than such per centum for the preceding academic year; and

(B) the number of such persons is at least 25.

(2) During the period specified in paragraph (1) of this subsection, each institution which has qualified for a payment under this section for any fiscal year shall be entitled during the succeeding year, notwithstanding such paragraph (1), to a payment under and in accordance with this section, if the number of persons referred to in such paragraph (1) equals at least the number of such persons who were in attendance at such institution during the preceding academic year or equals at least the minimum number of such persons necessary to establish eligibility to entitlement under such paragraph (1) during the preceding academic year, whichever is the lesser. Each institution which is entitled to a payment for any fiscal year by reason of the preceding sentence shall be deemed, for the purposes of any such year succeeding the year for which it is so entitled, to have been entitled to a payment under such paragraph (1) during the preceding fiscal year.

(3) With respect to any academic year beginning on or after July 1, 1978, and ending on or

before September 30, 1980, each institution which has qualified for payment under this section for the preceding year shall be entitled during such period, notwithstanding the provisions of paragraph (1)(A), to a payment under this section if—

(A) the number of persons referred to in paragraph (1) equals at least the number which bears the same ratio to the number of such recipients who were in attendance at such institution during the first academic year in which the institution was entitled to payments under this section as the number of such recipients in all institutions of higher learning during the same academic year for which the determination is made bears to the number of such recipients in all institutions of higher learning for the first such academic year; or

(B) in the event that clause (A) of this paragraph is not satisfied, the Administrator determines, on the basis of evidence presented by such institution, that such institution is making reasonable efforts, taking into consideration the extent to which the number of persons referred to in such paragraph (1) falls short of meeting the ratio criterion set forth in such clause (A), to continue to recruit, enroll, and provide necessary services to veterans.

(b)(1) The amount of the payment to which any institution shall be entitled under this section for any fiscal year shall be—

(A) $300 for each veteran receiving vocational rehabilitation under chapter 31 of this title, or educational assistance under chapter 34 of this title, who is in attendance at such institution as an undergraduate student during such year; and

(B) in addition, $150, except in the case of a veteran on behalf of whom the institution has received a payment in excess of $150 under section 419 of the Higher Education Act of 1965 for each veteran who has been the recipient of educational assistance under subchapter V or subchapter VI of chapter 34 of this title and who is in attendance at such institution as an undergraduate student during such year.

(2) In any case where a veteran on behalf of whom a payment is made under this section is enrolled in an institution on less than a full-time basis, the amount of the payment on behalf of such veteran shall be reduced in proportion to the degree to which such veteran is not enrolled on a full-time basis.

(c)(1) An institution of higher education shall be eligible to receive the payment to which it is entitled under this section only if it makes application therefor to the Administrator. An application under this section shall be submitted at such time or times, in such manner, in such form, and containing such information as the Administrator determines necessary to carry out the functions assigned to the Administrator under this section, and shall—

(A) meet the requirements set forth in clauses (A) and (B) of section 419(c)(1) of the Higher Education Act of 1965;

(B) set forth such plans, policies, assurances, and procedures as will ensure that the applicant will make an adequate effort—

(i) to maintain a full-time office of veterans' affairs which has responsibility for veterans' outreach, recruitment, and special education programs, including the provisions of educational, vocational, and personal counseling for veterans,

(ii) to carry out programs designed to prepare educationally disadvantaged veterans for postsecondary education (I) under subchapter V of chapter 34 of this title, and (II) in the case of any institution located near a military installation, under subchapter VI of such chapter 34,

(iii) to carry out active outreach (with special emphasis on educationally disadvantaged veterans), recruiting, and counseling activities through the use of funds available under federally-assisted work-study program (with special emphasis on the veteran-student services program under section 1685 of this title), and

(iv) to carry out an active tutorial assistance program (including dissemination of information regarding such program) in order to make maximum use of the benefits available under section 1692 of this title.

Notwithstanding clause (B) of the preceding sentence, an institution with less than 2,500 students in attendance which the Administrator determines, in accordance with regulations jointly prescribed by the Administrator and the Commissioner of Education, Department of Health, Education, and Welfare, cannot feasibly itself carry out any or all of the programs set forth in subclauses (i) through (iv) of clause (B) of the preceding sentence, may carry out such program or programs through a consortium agreement with one or more other institutions of higher education, and shall be required to carry out such programs only to the extent that the Administrator determines, in accordance with regulations jointly prescribed by the Administrator and the Commissioner of Education, is appropriate in terms of the number of veterans in attendance at such institution. The adequacy of efforts to meet the requirements of such clause (B) shall be determined by the Administrator, in consultation with the Commissioner of Education, based upon criteria established in regulations jointly prescribed by them.

(2) The Administrator shall not approve an application under this subsection unless the Administrator determines that the applicant will implement the requirements of clause (B) of paragraph (1) of this subsection within the first academic year during which such institution receives a payment under this section.

(d)(1) The Administrator shall pay to each institution of higher learning which has had an application approved under subsection (c) of this section the amount to which it is entitled under this section. Payments under this subsection shall be made in not less than three installments during each academic year and shall be based on the actual number of veterans on behalf of whom such payments are made in at-

tendance at the institution at the time of the payment.

(2) The maximum amount of payments to any institution of higher learning, or any branch thereof which is located in a community which is different from that in which the parent institution thereof is located, in any fiscal year, shall be $135,000. In making payments under this section for any fiscal year, the Administrator shall apportion the appropriation for making such payments, from funds which become available as a result of the limitation on payments set forth in the preceding sentence, in such a manner as will result in the receipt by each institution which is eligible for a payment under this section of first $9,000 (or the amount of its entitlement for that fiscal year, whichever is the lesser) and then additional amounts up to the limitation set forth in the preceding sentence.

(e) Not less than 75 per centum of the amounts paid to any institution under subsection (d) of this section in any fiscal year shall be used to implement the requirement of clause (B)(i) of paragraph (1) of subsection (c) of this section, and, to the extent that such funds remain after implementing such requirements, funds limited by such 75 per centum requirement shall be used for implementing the requirements of clauses (B)(ii), (iii), and (iv) of such paragraph (1), except that the Administrator may, in accordance with criteria established in regulations jointly prescribed by the Administrator and the Commissioner of Education, waive the requirement of this subsection to the extent that the Administrator finds that such institution is adequately carrying out all such requirements without the necessity for such application of such amount of the payments received under this subsection.

(f) The Administrator, in carrying out the provisions of this section, shall seek to assure the coordination of programs assisted under this section with programs carried out by the Commissioner of Education pursuant to the Higher Education Act of 1965, and the Commissioner shall provide all assistance, technical consultation, and information otherwise authorized by law as necessary to promote the maximum effectiveness of the activities and programs assisted under this section.

(g) The program provided for in this section shall be administered by an identifiable administrative unit in the Veterans' Administration.

(Added Pub. L. 95–202, title III, § 310(b)(1), Nov. 23, 1977, 91 Stat. 1446, and amended Pub. L. 95–336, § 6(b), Aug. 4, 1978, 92 Stat. 453.)

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsec. (f), is Pub. L. 89–329, Nov. 8, 1965, 79 Stat. 1219, as amended, which is classified principally to chapter 28 (§ 1001 et seq.) of Title 20, Education. Section 419 of the Higher Education Act of 1965, referred to in subsecs. (b)(1)(B) and (c)(1)(A), is classified to section 1070e of Title 20. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

AMENDMENTS

1978—Subsec. (a)(3). Pub. L. 95–336 added par. (3).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–336 effective with respect to payments to which institutions are entitled as of June 30, 1978, see section 6(c) of Pub. L. 95–336, set out as an Effective Date of 1978 Amendment note under section 1070e–1 of Title 20, Education.

EFFECTIVE DATE

Section 310(b) of Pub. L. 95–202 provided in part that this section is effective on the date on which the Commissioner of Education transfers to the Administrator of Veterans' Affairs, under the authority of section 310(a) of Pub. L. 95–202 [set out as a note below], all functions, powers, and duties assigned to the Commissioner under section 420 of the Higher Education Act of 1965 [section 1070e–1 of Title 20, Education] and that such section is superseded as of that date.

TRANSFER OF FUNCTIONS

For transfer of functions and offices (relating to education) of the Secretary and Department of Health, Education, and Welfare to the Secretary and Department of Education, and termination of certain offices and positions, see sections 3441 and 3503 of this title.

TRANSFER OF VETERANS' COST-OF-INSTRUCTION PROGRAM FROM COMMISSIONER OF EDUCATION

Section 310(a) of Pub. L. 95–202 provided that: "Notwithstanding any other provision of law, (1) the Administrator of Veterans' Affairs is authorized to administer, pursuant to an interagency agreement, the programs carried out under the provisions of section 420 of the Higher Education Act of 1965 [section 1701e–1 of Title 20, Education]; (2) the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, is authorized to enter into such interagency agreement to transfer to the Administrator the functions, powers, and duties of the Commissioner under such section; and (3) pursuant to any such agreement, funds appropriated to such Department or the Office of Education in such Department for the purpose of carrying out such section shall be transferred from the Department to the Veterans' Administration for use for the purposes for which such funds are authorized and appropriated. Any such agreement shall provide, for such period of time as may be agreed upon by the Commissioner and the Administrator, for such appropriate technical and support assistance by the Commissioner as the Commissioner and the Administrator agree are necessary to facilitate the implementation of this section [enacting this section and notes hereunder]."

PART II—GENERAL BENEFITS

CHAPTER 11—COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 106, 107, 410, 415, 612, 801, 1502, 1685, 1701, 1901, 2013, 3110 of this title; title 10 sections 1086, 1446; title 42 section 6862.

SUBCHAPTER I—GENERAL

§ 301. Definitions

STUDY ON DISABILITY COMPENSATION AND HEALTH-CARE NEEDS OF FORMER PRISONERS OF WAR; REPORT TO PRESIDENT AND CONGRESS

Pub. L. 95–479, title III, § 305, Oct. 18, 1978, 92 Stat. 1565, provided that:

"(a) The Administrator of Veterans' Affairs, in consultation with the Secretary of Defense, shall carry out a comprehensive study of the disability compensation awarded to, and the health-care needs of, veter-

ans who are former prisoners of war. The Administrator shall include in such study—

"(1) descriptions and analyses of the repatriation procedures, including physical examinations, for former prisoners of war and the adequacy of such procedures and the resultant medical records of former prisoners of war;

"(2) the types and severity of disabilities that are particularly prevalent among former prisoners of war in various theaters of operation at various times;

"(3) a description and analysis of procedures used with respect to former prisoners of war in determining eligibility for health-care benefits and in adjudicating claims for disability compensation, including an analysis of the current use of statutory and regulatory provisions specifically relating to former prisoners of war; and

"(4) a survey and analysis of the medical literature on the health-related problems of former prisoners of war.

"(b) The Administrator shall transmit to the Congress and to the President a report on the results of such study not later than February 1, 1980. Such report shall include recommendations for such administrative and legislative action as the Administrator considers may be necessary to assure that former prisoners of war receive compensation and health-care benefits for all disabilities which may reasonably be attributed to their internment."

SUBCHAPTER II—WARTIME DISABILITY COMPENSATION

§ 314. Rates of wartime disability compensation

For the purposes of section 310 of this title—

(a) if and while the disability is rated 10 per centum the monthly compensation shall be $48;

(b) if and while the disability is rated 20 per centum the monthly compensation shall be $88;

(c) if and while the disability is rated 30 per centum the monthly compensation shall be $133;

(d) if and while the disability is rated 40 per centum the monthly compensation shall be $182;

(e) if and while the disability is rated 50 per centum the monthly compensation shall be $255;

(f) if and while the disability is rated 60 per centum the monthly compensation shall be $321;

(g) if and while the disability is rated 70 per centum the monthly compensation shall be $380;

(h) if and while the disability is rated 80 per centum the monthly compensation shall be $440;

(i) if and while the disability is rated 90 per centum the monthly compensation shall be $495;

(j) if and while the disability is rated as total the monthly compensation shall be $889;

(k) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of one or more creative organs, or one foot, or one hand, or both buttocks, or blindness of one eye, having only light perception, or has suffered complete organic aphonia with constant inability to communicate by speech, or deafness of both ears, having absence of air and bone conduction, the rate of compensation therefor shall be $56 per month for each such loss or loss of use independent of any other compensation provided in subsections (a) through (j) or subsection (s) of this section but in no event to exceed $1,104 per month; and in the event the veteran has suffered one or more of the disabilities heretofore specified in this subsection, in addition to the requirement for any of the rates specified in subsections (*l*) through (n) of this section, the rate of compensation shall be increased by $56 per month for each such loss or loss of use, but in no event to exceed $1,547 per month;

(*l*) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of both hands, or both feet, or of one hand and one foot, or is blind in both eyes, with 5/200 visual acuity or less, or is permanently bedridden or so helpless as to be in need of regular aid and attendance, the monthly compensation shall be $1,104;

(m) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of two extremities at a level, or with complications, preventing natural elbow or knee action with prosthesis in place, or has suffered blindness in both eyes having only light perception, or has suffered blindness in both eyes, rendering such veteran so helpless as to be in need of regular aid and attendance, the monthly compensation shall be $1,217;

(n) if the veteran, as the result of service-connected disability, has suffered the anatomical loss of two extremities so near the shoulder or hip as to prevent use of a prosthetic appliance or has suffered the anatomical loss of both eyes, the monthly compensation shall be $1,383;

(o) if the veteran, as the result of service-connected disability, has suffered disability under conditions which would entitle such veteran to two or more of the rates provided in one or more subsections (*l*) through (n) of this section, no condition being considered twice in the determination, or if the veteran has suffered bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at 60 per centum or more disabling and the veteran has also suffered service-connected total blindness with 5/200 visual acuity or less, the monthly compensation shall be $1,547;

(p) in the event the veteran's service-connected disabilities exceed the requirements for any of the rates prescribed in this section, the Administrator may allow the next higher rate or an intermediate rate, but in no event in excess of $1,547. In the event the veteran has suffered service-connected blindness with 5/200 visual acuity or less and (1) has also suffered bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at no less than 40 per centum disabling, the Administrator shall allow the next higher rate, or (2) has also suffered service-connected total deafness in one ear, the Administrator shall allow the next intermediate rate, but in no event in excess of

$1,547. In the event the veteran has suffered the anatomical loss or loss of use, of a combination of anatomical loss and loss of use, of three extremities, the Administrator shall allow the next higher rate or intermediate rate, but in no event in excess of $1,547. Any intermediate rate under this subsection shall be established at the arithmetic mean, rounded to the nearest dollar, between the two rates concerned;

[(q) Repealed. Pub. L. 90-493, § 4(a), Aug. 19, 1968, 82 Stat. 809]

(r) Subject to section 3203(e) of this title, if any veteran, otherwise entitled to compensation authorized under subsection (o) of this section, at the maximum rate authorized under subsection (p) of this section, or at the intermediate rate authorized between the rates authorized under subsections (n) and (o) of this section and at the rate authorized under subsection (k) of this section, is in need of regular aid and attendance, then, in addition to such compensation—

(1) the veteran shall be paid a monthly aid and attendance allowance at the rate of $664; or

(2) if the veteran, in addition to such need for regular aid and attendance, is in need of a higher level of care, such veteran shall be paid a monthly aid and attendance allowance at the rate of $989, in lieu of the allowance authorized in clause (1) of this subsection, if the Administrator finds that the veteran, in the absence of the provision of such care, would require hospitalization, nursing home care, or other residential institutional care.

For the purposes of clause (2) of this subsection, need for a higher level of care shall be considered to be need for personal health-care services provided on a daily basis in the veteran's home by a person who is licensed to provide such services or who provides such services under the regular supervision of a licensed health-care professional. The existence of the need for such care shall be determined by a physician employed by the Veterans' Administration or, in areas where no such physician is available, by a physician carrying out such function under contract or fee arrangement based on an examination by such physician. For the purposes of section 334 of this title, such allowance shall be considered as additional compensation payable for disability.

(s) If the veteran has a service-connected disability rated as total, and (1) has additional service-connected disability or disabilities independently ratable at 60 per centum or more, or (2) by reason of such veteran's service-connected disability or disabilities, is permanently housebound, then the monthly compensation shall be $995. For the purpose of this subsection, the requirement of "permanently housebound" will be considered to have been met when the veteran is substantially confined to such veteran's house (ward or clinical areas, if institutionalized) or immediate premises due to a service-connected disability or disabilities which it is reasonably certain will remain throughout such veteran's lifetime.

(t)(1) If the veteran (A) is entitled to receive compensation at any rate provided for under subsections (a) through (l) of this section and compensation under subsection (k) of this section, (B) has suffered the loss or loss of use of an extremity as a result of a service-connected disability ratable at 40 per centum or more, and (C) has suffered the loss or loss of use of the paired extremity as a result of a non-service-connected disability, not the result of the veteran's own willful misconduct, that would be rated, if service-connected, at 40 per centum or more, the monthly rate of compensation payable to such veteran shall be increased by $192.

(2) If a veteran described in paragraph (1) of this subsection receives any money or property of value pursuant to an award in a judicial proceeding based upon, or a settlement or compromise of, any cause of action for damages for the non-service-connected disability described in such paragraph, the increase in the rate of compensation otherwise payable under this subsection shall not be paid for any month following a month in which any such money or property is received until such time as the total of the amount of such increase that would otherwise have been payable equals the total of the amount of any such money received and the fair market value of any such property received.

(As amended Pub. L. 95-117, title I, § 101(a), Oct. 3, 1977, 91 Stat. 1063; Pub. L. 95-479, title I, § 101(a)-(d), Oct. 18, 1978, 92 Stat. 1560, 1561; Pub. L. 96-128, title I, §§ 101(a), 104, 105, Nov. 28, 1979, 93 Stat. 982-984.)

AMENDMENT OF SUBSEC. (k)

Sections 101(a)(11) and 601(a)(2) of Pub. L. 96-128 provided that, effective Sept. 1, 1980, subsec. (k) of this section is amended by substituting "$62" for "$56" in two places.

AMENDMENTS

1979—Subsecs. (a) to (o). Pub. L. 96-128, § 101(a)(1) to (15), increased the compensation in subsec. (a) from $44 to $48, subsec. (b) from $80 to $88, subsec. (c) from $121 to $133, subsec. (d) from $166 to $182, subsec. (e) from $232 to $255, subsec. (f) from $292 to to $321, subsec. (g) from $346 to $380, subsec. (h) from $400 to $440, subsec. (i) from $450 to $495, subsec. (j) from $809 to $889, subsec. (k) from $1,005 to $1,104, and $1,408 to $1,547, subsec. (l) from $1,005 to $1,104, subsec. (m) from $1,107 to $1,217, subsec. (n) from $1,258 to $1,383, and subsec. (o) from $1,408 to $1,547.

Subsec. (p). Pub. L. 96-128, §§ 101(a)(15), 105, added provisions respecting the establishment of any intermediate rate, and substituted "$1,547" for "$1,408" wherever appearing therein.

Subsec. (r). Pub. L. 96-128, §§ 101(a)(16), 104, in the introductory material added provisions relating to intermediate rates and struck out reference to subsections (o) or (p) of this section, in cl. (1) substituted "$664" for "$604" and in cl. (2) substituted "$989" for "$900".

Subsec. (s). Pub. L. 96-128, § 101(a)(17), increased compensation from $905 to $995.

Subsec. (t)(1). Pub. L. 96-128, § 101(a)(18), increased compensation from $175 to $192.

1978—Subsecs. (a) to (o). Pub. L. 95-479, § 101(a)(1) to (15), increased the compensation in subsec. (a) from

$41 to $44, subsec. (b) from $75 to $80, in subsec. (c) from $113 to $121, in subsec. (d) from $155 to $166, in subsec. (e) from $216 to $232, in subsec. (f) from $272 to $292, in subsec. (g) from $322 to $346, in subsec. (h) from $373 to $400, in subsec. (i) from $419 to $450, in subsec. (j) from $754 to $809, in subsec. (k) from $937 and $1,312 to $1,005 and $1,408, respectively, in subsec. (*l*) from $937 to $1,005, in subsec. (m) from $1,032 to $1,107, in subsec. (n) from $1,172 to $1,258, and in subsec. (o) from $1,312 to $1,408.

Subsec. (p). Pub. L. 95–479, § 101(a)(15), (b), substituted "$1,408" for "$1,312" in two places, and added provision allowing the next higher rate or intermediate rate but in no event in excess of $1,408 in the event the veteran has suffered the anatomical loss or loss of use, or a combination thereof, of three extremities.

Subsec. (r). Pub. L. 95–479, § 101(c), raised the monthly aid and attendance allowance from $563 to $604, and added provisions relating to the need of a higher level of care.

Subsec. (s). Pub. L. 95–479, § 101(a)(16), substituted "$905" for "$843".

Subsec. (t). Pub. L. 95–479, § 101(d), added subsec. (t).

1977—Subsecs. (a) to (p), (r), (s). Pub. L. 95–117 increased the compensation in subsec. (a) from $38 to $41, subsec. (b) from $70 to $75, subsec. (c) from $106 to $113, subsec. (d) from $145 to $155, subsec. (e) from $203 to $216, subsec. (f) from $255 to $272, subsec. (g) from $302 to $322, subsec. (h) from $350 to $373, subsec. (i) from $393 to $419, subsec. (j) from $707 to $754, subsec. (k) from $879 and $1,231 to $937 and $1,312, respectively, subsec. (*l*) from $879 to $937, subsec. (m) from $968 to $1,032, subsec. (n) from $1,099 to $1,172, subsec. (o) from $1,231 to $1,312, subsec. (p) from $1,231 to $1,312, subsec. (r) from $528 to $563, and subsec. (s) from $791 to $843.

EFFECTIVE DATE OF 1979 AMENDMENTS

Section 601 of Pub. L. 96–128, as amended by Pub. L. 96–151, title III, § 306(a), Dec. 20, 1979, 93 Stat. 1097, provided that:

"(a)(1) Except as provided in paragraph (2) of this subsection, the amendments made by titles I [amending sections 314, 315, and 362 of this title] and II [amending sections 411, 413, and 414 of this title] and the provisions of section 101(b) [set out as a note below] shall take effect as of October 1, 1979.

"(2) With respect to the amendment made by clause (11) of section 101(a), that portion of the amendment amending subsection (k) of section 314 to increase certain monthly rates of compensation [substituting "$62" for "$56" in two places] shall take effect as of September 1, 1980, and that portion of the amendment amending such subsection to increase certain maximum monthly amounts of compensation [substituting "$1,104" for "$1,005" and "$1,547" for "$1,408"] shall take effect as of October 1, 1979.

"(b) The amendments made by titles III [enacting sections 726 and 761 of this title and amending sections 718, 725, and 753 of this title], IV [enacting section 1828 of this title], and V [amending sections 611, 612A, 620A, 663, and 5005 of this title and enacting provisions set out as a note under section 6103 of Title 26, Internal Revenue Code] shall take effect on the date of the enactment of this Act [Nov. 28, 1979]."

Section 306(b) of Pub. L. 96–151 provided that the amendment made to section 601(a)(2) of Pub. L. 96–128 [substituting "clause (11)" for "clause (1)"], set out as a note above, shall take effect as of Nov. 28, 1979.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 401 of Pub. L. 95–479, provided that:

"(a) Except as provided in subsection (b), the amendments made by this Act [amending sections 314, 315, 362, 410, 411, 413, 414, 562, 902, 903, 906, 907, 1902 and 3101 of this title and section 121 of Title 36, Patriotic Societies and Observances, and enacting provisions set out as notes under this section, sections 101 and 301 of this title and section 295a of Title 24, Hospitals and Asylums] shall take effect on October 1, 1978.

"(b) The amendment made by section 302 [amending section 562(a) of this title] shall take effect on January 1, 1979."

EFFECTIVE DATE OF 1977 AMENDMENT

Section 501 of Pub. L. 95–117 provided that: "Except as otherwise provided in this Act, the amendments made by this Act to title 38, United States Code [amending sections 314, 315, 362, 411, 413, 414 and 801 of this title and enacting provisions set out as notes under sections 101 and 314 of this title], shall become effective on October 1, 1977."

ADMINISTRATIVE RATE ADJUSTMENTS FOR PERSONS RECEIVING BENEFITS ON DECEMBER 31, 1958

Section 101(b) of Pub. L. 96–128 provided that: "The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section [amending subsecs. (a) to (p) and (r) to (t) of this section], the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 [act out as a note preceding section 101 of this title] who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code."

ADMINISTRATIVE ADJUSTMENT OF RATES OF DISABILITY COMPENSATION PAYABLE TO CERTAIN INDIVIDUALS

Section 101(e) of Pub. L. 95–479 provided that: "The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by the amendments made by this section [amending this section], the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 [set out preceding section 101 of this title] who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code."

RATE ADJUSTMENTS

Section 101(b) of Pub. L. 95–117 provided that: "The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section [amending subsecs. (a) to (p), (r) and (s) of this section], the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 [set out as a note preceding section 101 of this title] who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code."

§ 315. Additional compensation for dependents

Any veteran entitled to compensation at the rate provided in section 314 of this title, and whose disability is rated not less than 30 per centum, shall be entitled to additional compensation for dependents in the following monthly amounts:

(1) If and while rated totally disabled and—

(A) has a spouse and no child living, $54;

(B) has a spouse and one child living, $91;

(C) has a spouse and two children living, $121;

(D) has a spouse and three or more children living, $151 (plus $30 for each living child in excess of three);

(E) has no spouse but one child living, $37;

(F) has no spouse but two children living, $67;

(G) has no spouse but three or more children living, $97 (plus $30 for each living child in excess of three);

(H) has a parent dependent upon such veteran for support, then, in addition to the

above amounts, $44 for each parent so dependent;

(I) notwithstanding the other provisions of this paragraph, the monthly payable amount on account of a spouse who is (i) a patient in a nursing home or (ii) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, shall be $98 for a totally disabled veteran and proportionate amounts for partially disabled veterans in accordance with paragraph (2) of this section; and

(J) notwithstanding the other provisions of this paragraph, the monthly amount payable on account of each child who has attained the age of eighteen years and who is pursuing a course of instruction at an approved educational institution shall be $82 for a totally disabled veteran and proportionate amounts for partially disabled veterans in accordance with paragraph (2) of this section.

(2) If and while rated partially disabled, but not less than 30 per centum, in an amount having the same ratio to the amount specified in paragraph (1) of this section as the degree of disability bears to total disability. The amounts payable under this paragraph shall be adjusted upward or downward to the nearest dollar, counting fifty cents and over as a whole dollar.

(As amended Pub. L. 95–117, title I, § 102, Oct. 3, 1977, 91 Stat. 1064; Pub. L. 95–479, title I, § 102, Oct. 18, 1978, 92 Stat. 1562; Pub. L. 96–128, title I, § 102, Nov. 28, 1979, 93 Stat. 983.)

AMENDMENTS

1979—Par. (1)(A) to (H). Pub. L. 96–128, § 102(a)(1) to (8), increased the additional compensation in par. (1)(A) from $49 to $54, par. (1)(B) from $83 to $91, par. (1)(C) from $110 to $121, par. (1)(D) from $137 and $27 to $151 and $30, respectively, par. (1)(E) from $34 to $37, par. (1)(F) from $61 to $67, par. (1)(G) from $88 and $27 to $97 and $30, respectively, and par. (1)(H) from $40 to $44.

Par. (1)(I). Pub. L. 96–128, § 102(a)(9), (b)(1)(A), substituted "paragraph" for "subsection", "(i)" for "(1)", "(ii)" for "(2)", "$98" for "$89", and "section" for "subsection".

Par. (1)(J). Pub. L. 96–128, § 102(a)(10), (b)(1)(B), substituted "paragraph" for "subsection", "$82" for "$75", and "section" for "subsection".

Par. (2). Pub. L. 96–128, § 102(b)(2), added "of this section" following "(1)".

1978—Pub. L. 95–479, § 102(b), substituted "30 per centum" for "50 per centum" in provisions preceding par. (1).

Par. (1). Pub. L. 95–479, § 102(a), substituted $49 for $46 in subpar. (A), $83 for $77 in subpar. (B), $110 for $98 in subpar. (C), $137 and $27 for $120 and $22, respectively, in subpar. (D), $34 for $30 in subpar. (E), $61 for $52 in subpar. (F), $88 and $27 for $77 and $22, respectively, in subpar. (G), $40 for $37 in subpar. (H), $89 for $83 in subpar. (I), and $75 for $70 in subpar. (J).

Par. (2). Pub. L. 95–479, § 102(b), substituted "30 per centum" for "50 per centum".

1977—Par. (1). Pub. L. 95–117 substituted $46 for $43 in subpar. (A), $77 for $72 in subpar. (B), $98 for $92 in subpar. (C), $120 and $22 for $113 and $21, respectively, in subpar. (D), $30 for $28 in subpar. (E), $52 for $49 in subpar. (F), $77 and $22 for $72 and $21, respectively, in subpar. (G), $37 for $35 in subpar. (H), $83 for $78 in subpar. (I), and $70 for $66 in subpar. (J).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–128 effective Oct. 1, 1979, see section 601(a)(1) of Pub. L. 96–128, set out as an Effective Date of 1979 Amendment note under section 314 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–479 effective Oct. 1, 1978, see section 401(a) of Pub. L. 95–479, set out as an Effective Date of 1978 Amendment note under section 314 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–117 effective on Oct. 1, 1977, see section 501 of Pub. L. 95–117, set out as an Effective Date of 1977 Amendment note under section 314 of this title.

SUBCHAPTER III—WARTIME DEATH COMPENSATION

§ 322. Rates of wartime death compensation

[See main edition for text of (a)]

(b) The monthly rate of death compensation payable to a surviving spouse or dependent parent under subsection (a) of this section shall be increased by $79 if the payee is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.

(As amended Pub. L. 95–204, title III, § 301, Dec. 2, 1977, 91 Stat. 1459.)

AMENDMENTS

1977—Subsec. (b). Pub. L. 95–204 substituted "$79" for "$74".

EFFECTIVE DATE OF 1977 AMENDMENT

Section 302 of Pub. L. 95–204 provided that: "The provisions of this Act [amending sections 322, 415, 521, 541, 542, and 544 of this title, enacting provision set out as a note under section 101 of this title, and amending provision set out as a note under section 521 of this title] shall take effect January 1, 1978".

SUBCHAPTER VI—GENERAL COMPENSATION PROVISIONS

§ 362. Clothing allowance

The Administrator under regulations which the Administrator shall prescribe, shall pay a clothing allowance of $240 per year to each veteran who because of disability which is compensable under the provisions of this chapter, wears or uses prosthetic or orthopedic appliance or appliances (including a wheelchair) which the Administrator determines tends to wear out or tear the clothing of such a veteran.

(As amended Pub. L. 95–117, title III, § 301, Oct. 3, 1977, 91 Stat. 1065; Pub. L. 95–479, title I, § 103, Oct. 18, 1978, 92 Stat. 1562; Pub. L. 96–128, title I, § 103, Nov. 28, 1979, 93 Stat. 984.)

AMENDMENTS

1979—Pub. L. 96–128 substituted "$240" for "$218".
1978—Pub. L. 95–479 substituted "$218" for "$203".
1977—Pub. L. 95–117 substituted "$203" for "$190".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–128 effective Oct. 1, 1979, see section 601(a)(1) of Pub. L. 96–128, set out as an

Effective Date of 1979 Amendment note under section 314 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-479 effective Oct. 1, 1978, see section 401(a) of Pub. L. 95-479, set out as an Effective Date of 1978 Amendment note under section 314 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-117 effective on Oct. 1, 1977, see section 501 of Pub. L. 95-117, set out as an Effective Date of 1977 Amendment note under section 314 of this title.

CHAPTER 13—DEPENDENCY AND INDEMNITY COMPENSATION FOR SERVICE-CONNECTED DEATHS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 101, 106, 107, 351, 2013, 3005, 3110 of this title; title 10 sections 1431, 1446.

SUBCHAPTER II—DEPENDENCY AND INDEMNITY COMPENSATION

§ 410. Deaths entitling survivors to dependency and indemnity compensation

[See main edition for text of (a)]

(b)(1) Notwithstanding the provisions of subsection (a) of this section, when any veteran dies, not as the result of the veteran's own willful misconduct, if the veteran was in receipt of (or but for the receipt of retired or retirement pay was entitled to receive) compensation at the time of death for a service-connected disability that either (A) was continuously rated totally disabling for a period of ten or more years immediately preceding death, or (B) if so rated for a lesser period, was so rated continuously for a period of not less than five years from the date of such veteran's discharge or other release from active duty, the Administrator shall pay benefits under this chapter to the veteran's surviving spouse, if such surviving spouse was married to such veteran for not less than two years immediately preceding such veteran's death, and to such veteran's children, in the same manner as if the veteran's death were service connected.

(2) If a surviving spouse or a child receives any money or property of value pursuant to an award in a judicial proceeding based upon, or a settlement or compromise of, any cause of action for damages for the death of a veteran described in paragraph (1) of this subsection, benefits under this chapter payable to such surviving spouse or child by virtue of this subsection shall not be paid for any month following a month in which any such money or property is received until such time as the total amount of such benefits that would otherwise have been payable equals the total of the amount of the money received and the fair market value of the property received.

(3) For purposes of sections 1448(d) and 1450(c) of title 10, eligibility for benefits under this chapter by virtue of this subsection shall be deemed eligibility for dependency and indemnity compensation under section 411(a) of this title.

(c) Dependency and indemnity compensation shall not be paid to the surviving spouse, children, or parents of any veteran dying after December 31, 1956, unless such veteran (1) was discharged or released under conditions other than dishonorable from the period of active military, naval, or air service in which the disability causing such veteran's death was incurred or aggravated, or (2) died while in the active military, naval, or air service.

(As amended Pub. L. 95-479, title II, § 204, Oct. 18, 1978, 92 Stat. 1564.)

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-479 added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 95-479 redesignated subsec. (b) as (c).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-479 effective Oct. 1, 1978, see section 401(a) of Pub. L. 95-479, set out as an Effective Date of 1978 Amendment note under section 314 of this title.

§ 411. Dependency and indemnity compensation to a surviving spouse

(a) Dependency and indemnity compensation shall be paid to a surviving spouse, based on the pay grade of the person upon whose death entitlement is predicated, at monthly rates set forth in the following table:

Pay grade	*Monthly rate*
E-1	$326
E-2	337
E-3	345
E-4	367
E-5	377
E-6	386
E-7	404
E-8	426
E-9	[1]446
W-1	413
W-2	430
W-3	442
W-4	468
O-1	413
O-2	426
O-3	457
O-4	482
O-5	532
O-6	598
O-7	648
O-8	710
O-9	763
O-10	[2]835

[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $480.

[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $895.

(b) If there is a surviving spouse with one or more children below the age of eighteen of a deceased veteran, the dependency and indemnity compensation paid monthly to the surviving spouse shall be increased by $38 for each such child.

(c) The monthly rate of dependency and indemnity compensation payable to a surviving spouse shall be increased by $98 if the spouse is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.

(d) The monthly rate of dependency and indemnity compensation payable to a surviving spouse shall be increased by $49 if the surviving spouse is, by reason of disability, permanently housebound but does not qualify for the aid and attendance allowance under subsection (c) of this section. For the purposes of this subsection, the requirement of "permanently housebound" will be considered to have been met when the surviving spouse is substantially confined to such surviving spouse's home (ward or clinical areas, if institutionalized) or immediate premises by reason of a disability or disabilities which it is reasonably certain will remain throughout such surviving spouse's lifetime.

(As amended Pub. L. 95–117, title II, § 201, Oct. 3, 1977, 91 Stat. 1064; Pub. L. 95–479, title II, § 201, Oct. 18, 1978, 92 Stat. 1562; Pub. L. 96–128, title II, § 201, Nov. 28, 1979, 93 Stat. 984.)

AMENDMENTS

1979—Subsec. (a). Pub. L. 96–128, § 201(a), generally upgraded the monthly rates for all pay grades.

Subsec. (b). Pub. L. 96–128, § 201(b), increased from $35 to $38 the monthly dependency and indemnity compensation rate for each child.

Subsec. (c). Pub. L. 96–128, § 201(c), increased the monthly rate of compensation from $89 to $98.

Subsec. (d). Pub. L. 96–128, § 201(d), increased the monthly rate from $45 to $49.

1978—Subsec. (a). Pub. L. 95–479, § 201(a), generally upgraded the monthly rates for all pay grades.

Subsec. (b). Pub. L. 95–479, § 201(b), increased from $33 to $35 the monthly dependency and indemnity compensation rate for each child.

Subsec. (c). Pub. L. 95–479, § 201(c), increased the monthly rate of compensation from $83 to $89.

Subsec. (d). Pub. L. 95–479, § 201(d), added subsec. (d).

1977—Subsec. (a). Pub. L. 95–117 generally upgraded the monthly rates for all pay grades.

Subsec. (b). Pub. L. 95–117 increased from $31 to $33 the monthly dependency and indemnity compensation rate for each child.

Subsec. (c). Pub. L. 95–117 increased the monthly rate of compensation payable to a surviving spouse from $78 to $83.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–128 effective Oct. 1, 1979, see section 601(a)(1) of Pub. L. 96–128, set out as an Effective Date of 1979 Amendment note under section 314 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–479 effective Oct. 1, 1978, see section 401(a) of Pub. L. 95–479, set out as an Effective Date of 1978 Amendment note under section 314 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–117 effective on Oct. 1, 1977, see section 501 of Pub. L. 95–117, set out as an Effective Date of 1977 Amendment note under section 314 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 410 of this title; title 10 sections 1448, 1450.

§ 412. Benefits in certain cases of in-service or service-connected deaths

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 107, 415, 422, of this title.

§ 413. Dependency and indemnity compensation to children

Whenever there is no surviving spouse of a deceased veteran entitled to dependency and indemnity compensation, dependency and indemnity compensation shall be paid in equal shares to the children of the deceased veteran at the following monthly rates:

(1) one child, $165;

(2) two children, $237;

(3) three children, $306; and

(4) more than three children, $306, plus $62 for each child in excess of three.

(As amended Pub. L. 95–117, title II, § 202, Oct. 3, 1977, 91 Stat. 1065; Pub. L. 95–479, title II, § 202, Oct. 18, 1978, 92 Stat. 1563; Pub. L. 96–128, title II, § 202, Nov. 28, 1979, 93 Stat. 985.)

AMENDMENTS

1979—Pub. L. 96–128 substituted "$165", "$237", "$306", "$306" and "$62" for "$150", "$216", "$278" and "$56", in pars. (1), (2), (3), and (4), respectively.

1978—Pub. L. 95–479 substituted "$150", "$216", "$278", "$278" and "$56" for "$140", "$201", "$259", "$259" and "$52", in pars. (1), (2), (3), and (4), respectively.

1977—Pub. L. 95–117 substituted "$140", "$201", "$259", "$259", and "$52" for "$131", "$189", "$243", "$243", and "$49", in pars. (1), (2), (3), and (4), respectively.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–128 effective Oct. 1, 1979, see section 601(a)(1) of Pub. L. 96–128, set out as an Effective Date of 1979 Amendment note under section 314 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–479 effective Oct. 1, 1978, see section 401(a) of Pub. L. 95–479, set out as an Effective Date of 1978 Amendment note under section 314 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–117 effective on Oct. 1, 1977, see section 501 of Pub. L. 95–117, set out as an Effective Date of 1977 Amendment note under section 314 of this title.

§ 414. Supplemental dependency and indemnity compensation to children

(a) In the case of a child entitled to dependency and indemnity compensation who has attained the age of eighteen and who, while under such age, became permanently incapable of self-support, the dependency and indemnity compensation paid monthly to such child shall be increased by $98.

(b) If dependency and indemnity compensation is payable monthly to a person as a surviving spouse and there is a child (of such person's deceased spouse) who has attained the age of eighteen and who, while under such age, became permanently incapable of self-support, dependency and indemnity compensation shall

be paid monthly to each such child, concurrently with the payment of dependency and indemnity compensation to the widow, in the amount of $165.

(c) If dependency and indemnity compensation is payable monthly to a person as a surviving spouse and there is a child (of such person's deceased spouse), who has attained the age of eighteen and who, while under the age of twenty-three, is pursuing a course of instruction at an educational institution approved under section 104 of this title, dependency and indemnity compensation shall be paid monthly to each such child, concurrently with the payment of dependency and indemnity compensation to the surviving spouse, in the amount of $84.

(As amended Pub. L. 95–117, title II, § 203, Oct. 3, 1977, 91 Stat. 1065; Pub. L. 95–479, title II, § 203, Oct. 18, 1978, 92 Stat. 1563; Pub. L. 96–128, title II, § 203, Nov. 28, 1979, 93 Stat. 985.)

AMENDMENTS

1979—Subsec. (a). Pub. L. 96–128, § 203(1), substituted "$98" for "$89".

Subsec. (b). Pub. L. 96–128, § 203(2), substituted "$165" for "$150".

Subsec. (c). Pub. L. 96–128, § 203(3), substituted "$84" for "$76".

1978—Subsec. (a). Pub. L. 95–479, § 203(1), substituted "$89" for "$83".

Subsec. (b). Pub. L. 95–479, § 203(2), substituted "$150" for "$140".

Subsec. (c). Pub. L. 95–479, § 203(3), substituted "$76" for "$71".

1977—Subsec. (a). Pub. L. 95–117, § 203(1), substituted "$83" for "$78".

Subsec. (b). Pub. L. 95–117, § 203(2) substituted "$140" for "$131".

Subsec. (c). Pub. L. 95–117, § 203(3), substituted "$71" for "$67".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–128 effective Oct. 1, 1979, see section 601(a)(1) of Pub. L. 96–128, set out as an Effective Date of 1979 Amendment note under section 314 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–479 effective Oct. 1, 1978, see section 401(a) of Pub. L. 95–479, set out as an Effective Date of 1978 Amendment note under section 314 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–117 effective on Oct. 1, 1977, see section 501 of Pub. L. 95–117, set out as an Effective Date of 1977 Amendment note under section 314 of this title.

§ 415. Dependency and indemnity compensation to parents

[*See main edition for text of* (a)]

(b)(1) Except as provided in paragraph (4) of this subsection, if there is only one parent, the monthly rate of dependency and indemnity compensation paid to such parent shall be $163, as increased from time to time under section 3112(b)(1) of this title and reduced by an amount, based upon the amount of such parent's annual income, determined in accordance with regulations which the Administrator shall prescribe under section 3112(b)(2) of this title.

(2) In no case may the amount of dependency and indemnity compensation payable to any parent under this subsection be less than $5 monthly.

(3) In no case may dependency and indemnity compensation be paid under paragraph (1) of this subsection to any parent if the annual income of such parent exceeds $4,038, as increased from time to time under section 3112 of this title.

(4) If there is only one parent and such parent has remarried and is living with such parent's spouse, dependency and indemnity compensation shall be paid to such parent under either paragraph (1) of this subsection or under subsection (d) of this section, whichever will result in the greater amount of such compensation being paid to such parent. In such a case of remarriage the total combined annual income of the parent and such parent's spouse shall be counted in determining the monthly rate of dependency and indemnity compensation under the appropriate formula.

(c)(1) Except as provided in subsection (d) of this section, if there are two parents, but they are not living together, the monthly rate of dependency and indemnity compensation paid to each such parent shall be $115, as increased from time to time under section 3112(b)(1) of this title and reduced by an amount, based upon the amount of such parent's annual income, determined in accordance with regulations which the Administrator shall prescribe under section 3112(b)(2) of this title.

(2) In no case may the amount of dependency and indemnity compensation payable to any parent under this subsection be less than $5 monthly.

(3) In no case may dependency and indemnity compensation be paid under paragraph (1) of this subsection to any parent if the annual income of such parent exceeds $4,038, as increased from time to time under section 3112 of this title.

(d)(1) If there are two parents who are living together, or if a parent has remarried and is living with such parent's spouse, the monthly rate of dependency and indemnity compensation paid to such parent shall be $109, as increased from time to time under section 3112(b)(1) of this title and reduced by an amount, based upon the amount of the combined annual income of the parents or the parent and the parent's spouse, determined in accordance with regulations which the Administrator shall prescribe under section 3112(b)(2) of this title.

(2) In no case may the amount of dependency and indemnity compensation payable to any parent under this subsection be less than $5 monthly.

(3) In no case may dependency and indemnity compensation be paid under this subsection to a parent if the total combined annual income of the parent and such parent's spouse exceeds $5,430, as increased from time to time under section 3112 of this title.

[*See main edition for text of* (e) *to* (g)]

(h) The monthly rate of dependency and indemnity compensation payable to a parent

shall be increased by $85, as increased from time to time under section 3112 of this title, if such parent is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.

(As amended Pub. L. 95-204, title II, § 201, Dec. 2, 1977, 91 Stat. 1457, 1458; Pub. L. 95-588, title II, § 201, Nov. 4, 1978, 92 Stat. 2505.)

AMENDMENTS

1978—Subsec. (b)(1). Pub. L. 95-588, § 201(a)(1), substituted a fixed monthly amount of $163, subject to certain increases and deductions, as parental compensation for a formula for computing the monthly award under this subsection based upon the annual income of the recipient.

Subsec. (b)(3). Pub. L. 95-588, § 201(a)(2), substituted "$4,038, as increased from time to time under section 3112 of this title" for "$3,770".

Subsec. (b)(4). Pub. L. 95-588, § 201(a)(3), struck out references to the award computation formula formerly contained in subsec. (b)(1) of this section and added provision relating to election between subsecs. (b)(1) and (d) of this section in order to procure the greatest amount of compensation for the recipient.

Subsec. (c)(1). Pub. L. 95-588, § 201(b)(1), substituted a fixed amount of $115 a month as compensation under this subsection for a computation formula based upon the annual income of the recipient.

Subsec. (c)(3). Pub. L. 95-588, § 201(b)(2), substituted "$4,038, as increased from time to time under section 3112 of this title" for "$3,770".

Subsec. (d)(1). Pub. L. 95-588, § 201(c)(1), substituted a fixed amount of $109 a month as compensation under this subsection for a computation formula based upon combined annual income of recipients.

Subsec. (d)(3). Pub. L. 95-588, § 201(c)(2), substituted "$5,430, as increased from time to time under section 3112 of this title" for "$5,070".

Subsec. (h). Pub. L. 95-588, § 201(d), substituted "$85, as increased from time to time under section 3112 of this title" for "$79".

1977—Subsec. (b)(1). Pub. L. 95-204, § 201(1), increased the monthly rate of compensation from $142 to $152, substituted ".05" for ".04", ".06" for ".05", ".08" for ".06", "1,500" for "1,400" in two places, and "3,770" for "1,600", and struck out provision reducing compensation by .08 for income more than 1,600 but not more than 3,540.

Subsec. (b)(3). Pub. L. 95-204, § 201(2), substituted "$3,770" for "$3,540".

Subsec. (c)(1). Pub. L. 95-204, § 201(3), increased the monthly rate of compensation from $100 to $107, substituted ".05" for ".04", ".06" for ".05", "2,000" for "1,300" in two places, and "3,770" for "2,300", and struck out provision reducing compensation by .06 for income more than 2,300 but not more than 3,540.

Subsec. (c)(3). Pub. L. 95-204, § 201(4), substituted "$3,770" for "$3,540".

Subsec. (d)(1). Pub. L. 95-204, § 201(5), increased the monthly rate of compensation from $96 to $102, and substituted "2,000" for "2,100" in two places, "2,900" for "3,100" in two places, "3,600" for "3,800" in two places, and "5,070" for "4,760".

Subsec. (d)(3). Pub. L. 95-204, § 201(6), substituted "$5,070" for "$4,760".

Subsec. (h). Pub. L. 95-204, § 201(7), substituted "$79" for "$74".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-588 effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as an Effective Date of 1978 Amendment note under section 101 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-204 to take effect Jan. 1, 1978, see section 302 of Pub. L. 95-204, set out as an Effective Date of 1977 Amendment note under section 322 of this title.

§ 422. Certifications with respect to social security entitlement

CHANGE OF NAME

The Secretary of Health, Education, and Welfare was redesignated the Secretary of Health and Human Services by section 3508 of Title 20, Education.

CHAPTER 15—PENSION FOR NON-SERVICE-CONNECTED DISABILITY OR DEATH OR FOR SERVICE

SUBCHAPTER I—GENERAL

Sec.
508. Frequency of payment of pension benefits.

SUBCHAPTER II—VETERANS' PENSIONS

NON-SERVICE-CONNECTED DISABILITY PENSION

521. Veterans of a period of war.

SUBCHAPTER III—PENSIONS TO SURVIVING SPOUSES AND CHILDREN

MEXICAN BORDER PERIOD, WORLD WAR I, WORLD WAR II, KOREAN CONFLICT, AND THE VIETNAM ERA

541. Surviving spouses of veterans of a period of war.
542. Children of veterans of a period of war.
543. Net worth limitation.

[SURVIVING SPOUSES OF VETERANS OF ALL PERIODS OF WAR—REPEALED]

[544. Repealed.]

AMENDMENTS

1978—Pub. L. 95-588, title I, §§ 104(b), 106(b), 109(b), 110(b), 112(b), Nov. 4, 1978, 92 Stat. 2499, 2502, 2504, 2505, added item 508, substituted "Veterans of a period of war" for "Veterans of the Mexican border period, World War I, World War II, the Korean conflict, or the Vietnam era" in item 521, substituted "Surviving spouses of veterans of a period of war" for "Surviving spouses of Mexican border period, World War I, World War II, Korean conflict, or Vietnam era veterans" in item 541, substituted "Children of veterans of a period of war" for "Children of Mexican border period, World War I, World War II, Korean conflict, or Vietnam era veterans" in item 542, struck out heading "Surviving Spouses of Veterans of All Periods of War" following item 543, and struck out item 544.

SUBCHAPTER I—GENERAL

§ 501. Definitions

For the purposes of this chapter—

[*See main edition for text of (1) to (3)*]

(4) The term "period of war" means the Mexican border period, World War I, World War II, the Korean conflict, the Vietnam era, and the period beginning on the date of any future declaration of war by the Congress and ending on the date prescribed by Presidential proclamation or concurrent resolution of the Congress.

(As amended Pub. L. 95-588, title I, § 101, Nov. 4, 1978, 92 Stat. 2497.)

AMENDMENTS

1978—Par. (4). Pub. L. 95-588 added par. (4).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-588 effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as an Effec-

tive Date of 1978 Amendment note under section 101 of this title.

§ 503. Determinations with respect to annual income

(a) In determining annual income under this chapter, all payments of any kind or from any source (including salary, retirement or annuity payments, or similar income, which has been waived, irrespective of whether the waiver was made pursuant to statute, contract, or otherwise) shall be included except—

(1) donations from public or private relief or welfare organizations;

(2) payments under this chapter;

(3) amounts equal to amounts paid by a spouse of a veteran for the expenses of such veteran's last illness, and by a surviving spouse or child of a deceased veteran for—

(A) such veteran's just debts,

(B) the expenses of such veteran's last illness, and

(C) the expenses of such veteran's burial to the extent such expenses are not reimbursed under chapter 23 of this title;

(4) amounts equal to amounts paid—

(A) by a veteran for the last illness and burial of such veteran's deceased spouse or child, or

(B) by the spouse of a living veteran or the surviving spouse of a deceased veteran for the last illness and burial of a child of such veteran;

(5) proceeds of fire insurance policies;

(6) profit realized from the disposition of real or personal property other than in the course of a business;

(7) amounts in joint accounts in banks and similar institutions acquired by reason of death of other joint owner;

(8) amounts equal to amounts paid by a veteran, veterans' spouse, or surviving spouse or by or on behalf of a veteran's child for unreimbursed medical expenses, to the extent that such amounts exceed 5 per centum of the maximum annual rate of pension (including any amount of increased pension payable on account of family members but not including any amount of pension payable because a person is in need of regular aid and attendance or because a person is permanently housebound) payable to such veteran, surviving spouse, or child;

(9) in the case of a veteran or surviving spouse pursuing a course of education or vocational rehabilitation or training, amounts equal to amounts paid by such veteran or surviving spouse for such course of education or vocational rehabilitation or training, including (A) amounts paid for tuition, fees, books, and materials, and (B) in the case of such a veteran or surviving spouse in need of regular aid and attendance, unreimbursed amounts paid for unusual transportation expenses in connection with the pursuit of such course of education or vocational rehabilitation or training, to the extent that such amounts exceed the reasonable expenses which would have been incurred by a nondisabled person using an appropriate means of transportation (public transportation, if reasonably available); and

(10) in the case of a child, any current-work income received during the year, to the extent that the total amount of such income does not exceed an amount equal to the sum of—

(A) the lowest amount of gross income for which an income tax return is required under section 6012(a) of the Internal Revenue Code of 1954, to be filed by an individual who is not married (as determined under section 143 of such Code), is not a surviving spouse (as defined in section 2(a) of such Code), and is not a head of household (as defined in section 2(b) of such Code); and

(B) if the child is pursuing a course of postsecondary education or vocational rehabilitation or training, the amount paid by such child for such course of education or vocational rehabilitation or training, including the amount paid for tuition, fees, books, and materials.

[(11) to (14) Repealed. Pub. L. 95–588, title I, § 102(a)(10), Nov. 4, 1978, 92 Stat. 2497]

[(15) Redesignated (7)]

[(16) and (17) Repealed. Pub. L. 95–588, title I, § 102(12), Nov. 4, 1978, 92 Stat. 2498]

(b) Where a fraction of a dollar is involved, annual income shall be fixed at the next lower dollar.

[(c) Repealed. Pub. L. 95–588, title I, § 102(b), Nov. 4, 1978, 92 Stat. 2498]

(As amended Pub. L. 95–588, title I, § 102, Nov. 4, 1978, 92 Stat. 2497.)

REFERENCES IN TEXT

Section 6012(a) of the Internal Revenue Code of 1954, section 143 of such Code, section 2(a) of such Code, and section 2(b) of such Code, referred to in subsec. (a)(10)(A), are sections 6012(a), 143, 2(a), and 2(b), respectively, of Title 26, Internal Revenue Code.

AMENDMENTS

1978—Subsec. (a)(1). Pub. L. 95–588, § 102(a)(1), (2), redesignated former par. (2) as (1) and struck out former par. (1) which related to payments of six-months death gratuity.

Subsec. (a)(2). Pub. L. 95–588, § 102(a)(3), redesignated former par. (3) as (2) and, as so redesignated, struck out ", and chapters 11 and 13 (except section 412(a)) of this title" following "chapter". Former par. (2) redesignated (1).

Subsec. (a)(3). Pub. L. 95–588, § 102(a)(5), redesignated former par. (7) as (3). Former par. (3) redesignated (2).

Subsec. (a)(4). Pub. L. 95–588, § 102(a)(4), (6), added par. (4) and struck out former subsec. (4) which related to payments under servicemen's life insurance or servicemen's indemnity.

Subsec. (a)(5). Pub. L. 95–588, § 102(a)(4), (7), redesignated former par. (8) as (5) and struck out former par. (5) which related to lump sum death payments.

Subsec. (a)(6). Pub. L. 95–588, § 102(a)(4), (9), redesignated former par. (10) as (6) and struck out former par. (6) which related to the ten per cent exclusion for individuals under public or private retirement, annuity, endowment, or similar programs.

Subsec. (a)(7). Pub. L. 95–588, § 102(a)(11), redesignated former par. (15) as (7). Former par. (7) redesignated (3).

Subsec. (a)(8). Pub. L. 95–588, § 102(a)(13) added par. (8). Former par. (8) redesignated (5).

Subsec. (a)(9). Pub. L. 95–588, § 102(a)(8), (13), added par. (9) and struck out former subsec. (9) which related to payments for final illness and burial.

Subsec. (a)(10). Pub. L. 95-588, § 102(a)(13), added par. (10). Former subsec. (10) was redesignated (6).

Subsec. (a)(11) to (14). Pub. L. 95-588, § 102(a)(10), struck out pars. (11) to (14) which related to payments for discharge of jury duty, educational assistance allowances, bonuses based on service in the Armed Forces, and indebtednesses secured by mortgages, respectively.

Subsec. (a)(15). Pub. L. 95-588, § 102(a)(11), redesignated former par. (15) as (7).

Subsec. (a)(16), (17). Pub. L. 95-588, § 102(a)(12), struck out pars. (16) and (17) which related to payments received by retired persons and payments of annuities, respectively.

Subsec. (c). Pub. L. 95-588, § 102(b), struck out former subsec. (c) which related to the power of the Administrator to exclude from income amounts paid by a veteran, surviving spouse, or child for unusual medical expenses.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-588 effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as an Effective Date of 1978 Amendment note under section 101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 111 of this title.

§ 506. Resource reports and overpayment adjustments

(a) As a condition of granting or continuing pension under section 521, 541, or 542 of this title, the Administrator—

(1) may require from any person who is an applicant for or a recipient of pension such information, proofs, and evidence as the Administrator determines to be necessary in order to determine the annual income and the value of the corpus of the estate of such person, and of any spouse or child for whom the person is receiving or is to receive increased pension (such a child is hereinafter in this subsection referred to as a "dependent child"), and, in the case of a child applying for or in receipt of pension under section 542 of this title (hereinafter in this subsection referred to as a "surviving child"), of any person with whom such child is residing who is legally responsible for such child's support;

(2) shall require that any such applicant or recipient file each year with the Veterans' Administration (on such form as may be prescribed for such purpose by the Administrator) a report showing—

(A) the annual income which such applicant or recipient (and any such spouse or dependent child) received during the preceding year, the corpus of the estate of such applicant or recipient (and of any such spouse or dependent child) at the end of such year, and in the case of a surviving child, the income and corpus of the estate of any person with whom such child is residing who is legally responsible for such child's support;

(B) such applicant's or recipient's estimate for the then current year of the annual income such applicant or recipient (and any such spouse or dependent child) expects to receive and of any expected increase in the value of the corpus of the estate of such applicant or recipient (and for any such spouse or dependent child); and

(C) in the case of a surviving child, an estimate for the then current year of the annual income of any person with whom such child is residing who is legally responsible for such child's support and of any expected increase in the value of the corpus of the estate of such person;

(3) shall require that any such applicant or recipient promptly file a revised report whenever there is a material change in the estimated annual income of such applicant or recipient (or of any such spouse or dependent child) or a material change in such applicant's or recipient's estimate of the value of the corpus of the estate of such applicant or recipient (or of any such spouse or dependent child), and in the case of a surviving child, a material change in the estimated annual income or value of the corpus of the estate of any person with whom such child is residing who is legally responsible for such child's support; and

(4) shall require that any such applicant or recipient applying for or in receipt of increased pension on account of a person who is a spouse or child of such applicant or recipient promptly notify the Administrator if such person ceases to meet the applicable definition of spouse or child.

[*See main edition for text of (b)*]

(As amended Pub. L. 95-588, title I, § 103, Nov. 4, 1978, 92 Stat. 2498.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-588 added provision authorizing the Administrator to consider the income of a spouse or child prior to granting a pension in par. (1), struck out exclusion from filing report for a child or person of 72 years of age or more who has been paid a pension for two consecutive years in par. (2), required changes in income of spouse or dependent child be included in the necessary revised income report in par. (3), and added par. (4).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-588 effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as an Effective Date of 1978 Amendment note under section 101 of this title.

§ 508. Frequency of payment of pension benefits

(a) Except as provided under subsection (b) of this section, benefits under sections 521, 541, and 542 of this title shall be paid monthly.

(b) Under regulations which the Administrator shall prescribe, benefits under sections 521, 541, and 542 of this title may be paid less frequently than monthly if the amount of the annual benefit is less than 4 per centum of the maximum annual rate payable to a veteran under section 521(b) of this title.

(Added Pub. L. 95-588, title I, § 104(a), Nov. 4, 1978, 92 Stat. 2499.)

EFFECTIVE DATE

Section effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as an Effective Date of 1978 Amendment note under section 101 of this title.

SUBCHAPTER II—VETERANS' PENSIONS

SERVICE PENSION

§ 512. Spanish-American War veterans

(a) [*See main edition for text of (1) and (2)*]

(3)(A) Any veteran eligible for pension under this subsection shall, if such veteran so elects, be paid pension at the rates prescribed by section 521 of this title (except the rate provided under subsection (g) of such section), and under the conditions (other than the service requirements) applicable to pension paid under that section to veterans of a period of war. If pension is paid pursuant to such an election, the election shall be irrevocable.

(B) The Administrator shall pay each month to each Spanish-American War veteran who is receiving, or entitled to receive, pension based on a need of regular aid and attendance, whichever amount is greater (i) that provided by subparagraph (B) of subsection (a)(1) of this section, or (ii) that which is payable to the veteran under section 521 of this title as in effect on December 31, 1978, under regulations which the Administrator shall prescribe. Each change in the amount of pension payment required by this subparagraph shall be effective as of the first day of the month during which the facts of the particular case warrant such change, and shall be made without specific application therefor.

[*See main edition for text of (b)*]

(As amended Pub. L. 95-588, title I, § 105, Nov. 4, 1978, 92 Stat. 2500.)

AMENDMENTS

1978—Subsec. (a)(3)(A). Pub. L. 95-588, § 105(1), inserted "(except the rate provided under subsection (g) of such section)" following "of this title", substituted "a period of war" for "World War I", and struck out exception to pension elections formerly provided pursuant to subpar. (B).

Subsec. (a)(3)(B). Pub. L. 95-588, § 105(2), substituted "as in effect on December 31, 1978, under regulations which the Administrator shall prescribe" for "if such veteran has elected, or would be payable if such veteran were to elect, to receive pension under such section pursuant to subparagraph (A) of this paragraph".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-588 effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as an Effective Date of 1978 Amendment note under section 101 of this title.

NON-SERVICE-CONNECTED DISABILITY PENSION

§ 521. Veterans of a period of war

(a) The Administrator shall pay to each veteran of a period of war who meets the service requirements of this section (as prescribed in subsection (j) of this section) and who is permanently and totally disabled from non-service-connected disability not the result of the veteran's willful misconduct, pension at the rate prescribed by this section, as increased from time to time under section 3112 of this title.

(b) If the veteran is unmarried (or married but not living with or reasonably contributing to the support of such veteran's spouse) and there is no child of the veteran in the custody of the veteran or to whose support the veteran is reasonably contributing, and unless the veteran is entitled to pension at the rate provided by subsection (d)(1) or (e) of this section, pension shall be paid to the veteran at the annual rate of $3,550, reduced by the amount of the veteran's annual income.

(c) If the veteran is married and living with or reasonably contributing to the support of such veteran's spouse, or if there is a child of the veteran in the custody of the veteran or to whose support the veteran is reasonably contributing, pension shall be paid to the veteran at the annual rate of $4,651, unless the veteran is entitled to pension at the rate provided by subsection (d)(2), (e), or (f) of this section. If the veteran has two or more such family members, such annual rate shall be increased by $600 for each such family member in excess of one. The rate payable shall be reduced by the amount of the veteran's annual income and, subject to subsection (h)(1) of this section, the amount of annual income of such family members.

(d)(1) If the veteran is in need of regular aid and attendance, the annual rate of pension payable to the veteran under subsection (b) of this section shall be $5,680, reduced by the amount of the veteran's annual income.

(2) If the veteran is in need of regular aid and attendance, the annual rate of pension payable to the veteran under subsection (c) of this section shall be $6,781. If such veteran has two or more family members, as described in subsection (c) of this section, the annual rate of pension shall be increased by $600 for each such family member in excess of one. The rate payable shall be reduced by the amount of the veteran's annual income and, subject to subsection (h)(1) of this section, the amount of annual income of such family members.

(e) If the veteran has a disability rated as permanent and total and (1) has additional disability or disabilities independently ratable at 60 per centum or more, or (2) by reason of a disability or disabilities, is permanently housebound but does not qualify for pension at the aid and attendance rate provided by subsection (d) of this section, the annual rate of pension payable to the veteran under subsection (b) of this section shall be $4,340 and the annual rate of pension payable to the veteran under subsection (c) of this section shall be $5,441. If such veteran has two or more family members, as described in subsection (c) of this section, the annual rate of pension shall be increased by $600 for each such family member in excess of one. The rate payable shall be reduced by the amount of the veteran's annual income and, subject to subsection (h)(1) of this section, the annual income of such family members.

(f)(1) If two veterans are married to one another and each meets the disability and service requirements prescribed in subsections (a) and (j), respectively, of this section, the annual rate of pension payable to such veterans shall be a combined annual rate of $4,651.

(2) If either such veteran is in need of regular aid and attendance, the annual rate provided by paragraph (1) of this subsection shall be

$6,781. If both such veterans are in need of regular aid and attendance, such rate shall be $8,911.

(3) If either such veteran would be entitled (if not married to a veteran) to pension at the rate provided by subsection (e) of this section, the annual rate provided by paragraph (1) of this subsection shall be $5,441. If both such veterans would be entitled (if not married to one another) to such rate, such rate shall be $6,231.

(4) If one such veteran is in need of regular aid and attendance and the other would be entitled (if not married to a veteran) to the rate provided for under subsection (e) of this section, the annual rate provided by paragraph (1) of this subsection shall be $7,571.

(5) The annual rate provided by paragraph (1), (2), (3), or (4) of this subsection, as appropriate, shall (A) be increased by $600 for each child of such veterans (or of either such veteran) who is in the custody of either or both such veterans or to whose support either such veteran is, or both such veterans are, reasonably contributing, and (B) be reduced by the amount of the annual income of both such veterans and, subject to subsection (h)(1) of this section, the annual income of each such child.

(g) The annual rate of pension payable under subsection (b), (c), (d), (e), or (f) of this section to any veteran who is a veteran of a period of war shall be increased by $800 if veterans of such period of war were not provided educational benefits or home loan benefits similar to those provided to veterans of later periods of war under chapters 34 and 37, respectively, of this title or under prior corresponding provisions of law.

(h) For the purposes of this section:

(1) In determining the annual income of a veteran, if there is a child of the veteran who is in the custody of the veteran or to whose support the veteran is reasonably contributing, that portion of the annual income of the child that is reasonably available to or for the veteran shall be considered to be income of the veteran, unless in the judgement of the Administrator to do so would work a hardship on the veteran.

(2) A veteran shall be considered as living with a spouse, even though they reside apart, unless they are estranged.

(i) If the veteran is entitled under this section to pension on the basis of such veteran's own service and is also entitled to pension on the basis of any other person's service, the Administrator shall pay such veteran only the greater benefit.

(j) A veteran meets the service requirements of this section if such veteran served in the active military, naval, or air service—

(1) for ninety days or more during a period of war;

(2) during a period of war and was discharged or released from such service for a service-connected disability;

(3) for a period of ninety consecutive days or more and such period began or ended during a period of war; or

(4) for an aggregate of ninety days or more in two or more separate periods of service during more than one period of war.

(As amended Pub. L. 95–204, title I, § 101, Dec. 2, 1977, 91 Stat. 1455; Pub. L. 95–588, title I, § 106(a), Nov. 4, 1978, 92 Stat. 2500.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95–588 revised pension eligibility requirements to speak in terms of a veteran of any period of war rather than veterans of specifically named wars and added reference to periodic pension increases pursuant to section 3112 of this title.

Subsec. (b). Pub. L. 95–588 qualified the parental requirement of this subsection by adding the custody provision, substituted a fixed pension amount of $3,550 for a formula for determining such annual pension based upon the annual income of the veteran, and struck out the monthly minimum and maximum pension payments.

Subsec. (c). Pub. L. 95–588 qualified the parental requirement of this subsection by adding the custody provision, substituted a fixed pension amount of $4,651 for a formula for determining such annual pension based upon the annual income of the veteran, and added provision authorizing an annual pension rate increase of $600 for each family member of the eligible veteran in excess of one.

Subsec. (d). Pub. L. 95–588 substituted $5,680 as the annual rate of pension payable to a veteran in need of regular aid and attendance under subsec. (b) of this section and $6,781 as such rate payable to such veteran under subsec. (c) of this section for provision authorizing a rate increase of $165 over and above the rate of pension payable under the applicable subsection in order to determine the rate payable to eligible veterans under this section and revised the method of reducing payments under this section by use of the recipient's annual income.

Subsec. (e). Pub. L. 95–588 substituted $4,340 as the annual rate of pension payable under subsec. (b) of this section for veterans eligible as recipients under this section and $5,441 as such annual rate under subsec. (c) of this section for provision authorizing rate increases of $61 per month for eligible veterans over and above the appropriate rate of pension payment under the applicable subsection, added provision authorizing increases of $600 per year in pension rates for recipients with eligible family members in excess of one, and provided for an annual income reduction in the pension rate payable.

Subsec. (f). Pub. L. 95–588 substituted provisions relating to pension payments to veterans married to each other for provisions authorizing the inclusion of a spouse's annual income reasonably available to an eligible veteran in the computation of the annual income of an eligible veteran.

Subsec. (g). Pub. L. 95–588 substituted provisions authorizing annual pension payment rate increases of $800 per year for eligible veterans who served in periods of war which did not entitle them to educational or home loan benefits similar to those paid veterans of subsequent periods of war for provisions specifying the eligibility service requirements of this section.

Subsec. (h). Pub. L. 95–588 substituted provisions authorizing the inclusion of income of a dependent child in the custody of the recipient veteran in computing the annual income of such veteran and authorizing consideration of a veteran and his or her spouse as living together, even though they actually live apart, for provisions authorizing a twenty-five per cent rate increase in pension payments to a veteran who has attained age seventy-eight.

Subsecs. (i), (j). Pub. L. 95–588 added subsecs. (i) and (j).

1977—Subsec. (b)(1). Pub. L. 95–204, § 101(1), increased the monthly rate of pension from $185 to $197, and substituted "1,100" for "1,500" in two places, "1,700" for "1,800" in two places, and "3,770" for "3,540".

Subsec. (b)(3). Pub. L. 95–204, § 101(2), substituted "$3,770" for "$3,540".

Subsec. (c)(1). Pub. L. 95-204, § 101(3), increased the monthly rates of pension from $199 to $212, $204 to $217, and $209 to $222, and substituted "1,000" for "1,100" in two places, "2,000" for "2,400" in two places, "3,000" for "3,100" in two places, "3,200" for "3,500" in two places, "3,600" for "3,700" in two places" and "5,070" for "4,760".

Subsec. (c)(3). Pub. L. 95-204, § 101(4), substituted "$5,070" for "$4,760".

Subsec. (d). Pub. L. 95-204, § 101(5), substituted "$165" for "$155" in pars. (1) and (2).

Subsec. (e). Pub. L. 95-204, § 101(6), substituted "$61" for "$57".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-588 effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as an Effective Date of 1978 Amendment note under section 101 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-204 to take effect Jan. 1, 1978, see section 302 of Pub. L. 95-204, set out as an Effective Date of 1977 Amendment note under section 322 of this title.

SAVINGS PROVISIONS FOR PERSONS ENTITLED TO PENSION AS OF DECEMBER 31, 1978; OTHER PROVISIONS

Section 306 of Pub. L. 95-588 provided that:

"(a)(1)(A) Except as provided in subparagraph (B), any person who as of December 31, 1978, is entitled to receive pension under section 521, 541, or 542 of title 38, United States Code, may elect to receive pension under such section as in effect after such date, subject to the terms and conditions in effect with respect to the receipt of such pension. Any such election shall be made in such form and manner as the Administrator may prescribe. If pension is paid pursuant to such an election, the election shall be irrevocable.

"(B) Any veteran eligible to make an election under subparagraph (A) who is married to another veteran who is also eligible to make such an election may not make such an election unless both such veterans make such an election.

"(2) Any person eligible to make an election under paragraph (1) who does not make such an election shall continue to receive pension at the monthly rate being paid to such person on December 31, 1978, subject to all provisions of law applicable to basic eligibility for and payment of pension under section 521, 541, or 542, as appropriate, of title 38, United States Code, as in effect on December 31, 1978, except that—

"(A) pension may not be paid to such person if such person's annual income (determined in accordance with section 503 of title 38, United States Code, as in effect on December 31, 1978) exceeds $4,038, in the case of a veteran or surviving spouse without dependents, $5,430, in the case of a veteran or surviving spouse with one or more dependents, or $3,299, in the case of a child; and

"(B) the amount prescribed in subsection (f)(1) of section 521 of such title (as in effect on December 31, 1978) shall be $1,285;

as each such amount is increased from time to time under paragraph (3).

"(3) Whenever there is an increase under section 3112 of title 38, United States Code (as added by section 304 of this Act), in the maximum annual rates of pension under section 521, 541, and 542 of such title, as in effect after December 31, 1978, the Administrator of Veterans' Affairs shall, effective on the date of such increase under such section 3112, increase—

"(A) the annual income limitations in effect under paragraph (2); and

"(B) the amount of income of a veteran's spouse excluded from the annual income of such veteran under section 521(f)(1) of such title, as in effect on December 31, 1978;

by the same percentage as the percentage by which such maximum annual rates under such sections 521, 541, and 542 are increased.

"(b)(1) [Subsec. (b)(1) which provided for the repeal, effective Jan. 1, 1979, of section 9 of the Veterans' Pension Act of 1959, Pub. L. 86-211, § 9, Aug. 29, 1959, 73 Stat. 436, has been executed to note set out under this section.]

"(2)(A) Except as provided in subparagraph (B), any person who as of December 31, 1978, is entitled to receive pension under section 9(b) of the Veterans' Pension Act of 1959 Pub. L. 86-211, § 9, Aug. 29, 1959, 73 Stat. 436, [formerly set out as a note under this section] may elect to receive pension under section 521, 541, or 542 of title 38, United States Code, as in effect after such date, subject to the terms and conditions in effect with respect to the receipt of such pension. Any such election shall be made in such form and manner as the Administrator of Veterans' Affairs may prescribe. If pension is paid pursuant to such an election, the election shall be irrevocable.

"(B) Any veteran eligible to make an election under subparagraph (A) who is married to another veteran who is also eligible to make such an election may not make such an election unless both such veterans make such an election.

"(3) Any person eligible to make an election under paragraph (2) who does not make such an election shall continue to receive pension at the monthly rate being paid to such person on December 31, 1978, subject to all provisions of law applicable to basic eligibility for and payment of pension under section 9(b) of the Veterans' Pension Act of 1959 Pub. L. 86-211, § 9(b), Aug. 29, 1959, 73 Stat. 436, [formerly set out as a note under this section], as in effect on December 31, 1978, except that pension may not be paid to such person if such person's annual income (determined in accordance with the applicable provisions of law, as in effect on December 31, 1978) exceeds $3,534, in the case of a veteran or surviving spouse without dependents or in the case of a child, or $5,098, in the case of a veteran or surviving spouse with one or more dependents, as each such amount is increased from time to time under paragraph (4).

"(4) Whenever there is an increase under section 3112 of title 38, United States Code (as added by section 304 of this Act), in the maximum annual rates of pension under sections 521, 541, and 542 of such title, as in effect after December 31, 1978, the Administrator shall, effective on the date of such increase under such section 3112, increase the annual income limitations in effect under paragraph (3) by the same percentage as the percentage by which the maximum annual rates under such sections 521, 542, and 543 are increased.

"(c) Any case in which—

"(1) a claim for pension is pending in the Veterans' Administration on December 31, 1978;

"(2) a claim for pension is filed by a veteran after December 31, 1978, and within one year after the date on which such veteran became totally and permanently disabled, if such veteran became totally and permanently disabled before January 1, 1979; or

"(3) a claim for pension is filed by a surviving spouse or by a child after December 31, 1978, and within one year after the date of death of the veteran through whose relationship such claim is made, if the death of such veteran occurred before January 1, 1979;

shall be adjudicated under title 38, United States Code, as in effect on December 31, 1978. Any benefits determined to be payable as the result of the adjudication of such a claim shall be subject to the provisions of subsection (a).

"(d) In any case in which any person who as of December 31, 1978, is entitled to receive pension under section 521, 541, or 542 of title 38, United States Code, or under section 9(b) of the Veterans' Pension Act of 1959 Pub. L. 86-211, 6, 9(b), Aug. 29, 1959, 73 Stat. 436 [formerly set out as a note under this section], elects (in accordance with subsection (a)(1) or (b)(2), as appropriate) before October 1, 1979, to receive pension under such section as in effect after December 31,

1978, the Administrator of Veterans' Affairs shall pay to such person an amount equal to the amount by which the amount of pension benefits such person would have received had such election been made on January 1, 1979, exceeds the amount of pension benefits actually paid to such person for the period beginning on January 1, 1979, and ending on the date preceding the date of such election.

"(e) Whenever there is an increase under subsections (a)(3) and (b)(4) in the annual income limitations with respect to persons being paid pension under subsections (a)(2) and (b)(3), the Administrator of Veterans' Affairs shall publish such annual income limitations, as increased pursuant to such subsections, in the Federal Register at the same time as the material required by section 215(i)(2)(D) of the Social Security Act [section 415(i)(2)(D) of Title 42, The Public Health and Welfare] is published by reason of a determination under section 215(i) of such Act."

SAVINGS PROVISIONS

Section 9 of Pub. L. 86-211, which provided (1) that any claim for pension which was pending on June 30, 1960, or any claim for death pension filed thereafter within one year from the date of death of a veteran which occurred prior to July 1, 1960, would be adjudicated under this title in effect on June 30, 1960, with respect to the period before July 1, 1960, and, except as provided below, under this title, as amended by Pub. L. 86-211, thereafter; (2) that nothing in Pub. L. 86—211 would affect the eligibility of any person receiving pension under this title on June 30, 1960, for pension under all applicable provisions of this title in effect on that date for such period or periods thereafter with respect to which he could qualify under such provisions and that this provision would not apply in any case for any period after pension was granted, pursuant to application, under this title as amended by Pub. L. 86-211; and (3) that provision (2) would not apply to those claims within the purview of provision (1) in which it was determined that pension was payable for June 30, 1960, was repealed, effective Jan. 1, 1979, by section 306(b)(1) of Pub. L. 95-588, set out as a note above.

STUDY OF PENSION BENEFITS PAID TO PERSONS RESIDING OUTSIDE UNITED STATES; TRANSMITTAL OF REPORT AND RECOMMENDATIONS TO PRESIDENT AND CONGRESS

Section 308 of Pub. L. 95-588 provided that:

"(a) The Administrator of Veterans' Affairs, in consultation with the Secretary of State, shall carry out a comprehensive study of the income characteristics of veterans of a period of war (as defined in section 101(11) of title 38, United States Code) and their survivors who are residing outside the fifty States and the District of Columbia including those who are receiving pension benefits under chapter 15 of title 38, United States Code, or under section 9(b) of the Veterans' Pension Act of 1959 Pub. L. 86-211, 6, 9(b), Aug. 29, 1959, 73 Stat. 436 [formerly set out as a note under this section], as in effect on the date of the enactment of this Act [Nov. 4, 1978]. The Administrator shall include in such study (1) an analysis of the issues involved in the payment of non-service-connected pension benefits to such persons, (2) analyses of such aspects of the economy of each foreign country and each territory, possession, and commonwealth of the United States in which a substantial number of such persons reside as are relevant to such issues, such as the rate of inflation, the standard of living, and subsistence levels in such foreign country or such territory, possession, or commonwealth, and (3) estimates of the present and future costs of the payment of pension benefits to such persons.

"(b) The Administrator of Veterans' Affairs shall transmit a report to the Congress and to the President, not later than February 1, 1980, on the results of such study, together with the Administrator's recommendations as to the desirability of modifying the Veterans' Administration non-service-connected pension program for veterans of a period of war (as defined in section 101(11) of title 38, United States Code) and their survivors who are residing outside the fifty States and the District of Columbia."

INCOME RESTRICTIONS ON PENSIONS; EFFECTIVE DATES

Section 4 of Pub. L. 90-275, as amended by Pub. L. 91-588, § 5; Pub. L. 92-198, § 4; Pub. L. 93-527, § 6; Pub. L. 94-169, § 107; Pub. L. 94-432, § 206; Pub. L. 95-204, § 105, provided that: "The income limitations governing payment of pension under the first sentence of section 9(b) of the Veterans' Pension Act of 1959 [set out in a Savings Provisions note above] hereafter shall be $3,300 and $4,760 instead of $3,100 and $4,460, respectively."

Section 4 of Pub. L. 90-275, as originally enacted, was eff. Jan. 1, 1969, pursuant to Pub. L. 90-275, § 6(a). Subsequent amendments to said section 4 by Pub. L. 91-588, Pub. L. 92-198, and Pub. L. 94-169 were effective Jan. 1, 1971, Jan. 1, 1972, and for a period beginning Jan. 1, 1976 and ending Sept. 30, 1976, respectively. Pub. L. 94-432, §§ 101, 405(b) amended said section 4 of Pub. L. 90-275 and section 107 of Pub. L. 94-169 to be effective Jan. 1, 1976 and Jan. 1, 1977, respectively. Pub. L. 95-204, § 302 amended said section 4 of Pub. L. 90-275 to be effective Jan. 1, 1978.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 111, 506, 508, 511, 512, 522, 523, 541, 542, 3104, 3112, 3203 of this title.

§ 522. Net worth limitation

(a) The Administrator shall deny or discontinue the payment of pension to a veteran under section 521 of this title when the corpus of the estate of the veteran or, if the veteran has a spouse, the corpus of the estates of the veteran and of the veteran's spouse is such that under all the circumstances, including consideration of the annual income of the veteran, the veteran's spouse, and the veteran's children, it is reasonable that some part of the corpus of such estates be consumed for the veteran's maintenance.

(b) The Administrator shall deny or discontinue the payment of increased pension under subsection (c), (d), (e), or (f) of section 521 of this title on account of a child when the corpus of such child's estate is such that under all the circumstances, including consideration of the veteran's and spouse's income, and the income of the veteran's children, it is reasonable that some part of the corpus of such child's estate be consumed for the child's maintenance. During the period such denial or discontinuance remains in effect, such child shall not be considered as the veteran's child for purposes of this chapter.

(As amended Pub. L. 95-588, title I, § 107, Nov. 4, 1978, 92 Stat. 2502.)

AMENDMENTS

1978—Pub. L. 95-588 redesignated existing provisions as subsec. (a) and, as so redesignated, added provisions relating to consideration of the income and estates of the spouse and children of an eligible veteran, and added subsec. (b).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-588 effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as an Effective Date of 1978 Amendment note under section 101 of this title.

SUBCHAPTER III—PENSIONS TO SURVIVING SPOUSES AND CHILDREN

WARS BEFORE WORLD WAR I

§ 536. Surviving spouses of Spanish-American War veterans

[*See main edition for text of (a) to (c)*]

(d)(1) Any surviving spouse eligible for pension under this section shall, if such surviving spouse so elects, be paid pension at the rates prescribed by section 541 of this title, and under the conditions (other than the service requirements) applicable to pension paid under that section to surviving spouses of veterans of a period of war. If pension is paid pursuant to such an election, the election shall be irrevocable.

(2) The Administrator shall pay each month to the surviving spouse of each Spanish-American War veteran who is receiving, or entitled to receive, pension based on a need of regular aid and attendance, whichever amount is greater (A) that which is payable to such surviving spouse under subsections (a) and (b) of this section as increased by section 544 of this title, as in effect on December 31, 1978; or (B) that which is payable under section 541 of this title, as in effect on December 31, 1978, as increased by such section 544, as in effect on such date, to a surviving spouse of a World War I veteran with the same annual income and corpus of estate. Each change in the amount of pension required by this paragraph shall be effective as of the first day of the month during which the facts of the particular case warrant such change, and shall be made without specific application therefor.

(As amended Pub. L. 95-588, title I, § 108, Nov. 4, 1978, 92 Stat. 2502.)

REFERENCES IN TEXT

Section 544 of this title, referred to in subsec. (d)(2), was repealed by Pub. L. 95-588, title I, § 112(a)(1), Nov. 4, 1978, 92 Stat. 2505.

AMENDMENTS

1978—Subsec. (d)(1). Pub. L. 95-588, § 108(1), substituted "a period of war" for "World War I", and struck out ", except as provided in paragraph (2)" following "irrevocable".

Subsec. (d)(2). Pub. L. 95-588, § 108(2), inserted ", as in effect on December 31, 1978" following "of this title" in two places, and "as in effect on such date" following "such section 544".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-588 effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as an Effective Date of 1978 Amendment note under section 101 of this title.

MEXICAN BORDER PERIOD, WORLD WAR I, WORLD WAR II, THE KOREAN CONFLICT, AND THE VIETNAM ERA

§ 541. Surviving spouses of veterans of a period of war

(a) The Administrator shall pay to the surviving spouse of each veteran of a period of war who met the service requirements prescribed in section 521(j) of this title, or who at the time of death was receiving (or entitled to receive) compensation or retirement pay for a service-connected disability, pension at the rate prescribed by this section, as increased from time to time under section 3112 of this title.

(b) If no child of the veteran is in the custody of the surviving spouse, pension shall be paid to the surviving spouse at the annual rate of $2,379, reduced by the amount of the surviving spouse's annual income.

(c) If there is a child of the veteran in the custody of the surviving spouse, pension shall be paid to the surviving spouse at the annual rate of $3,116. If the surviving spouse has custody of two or more such children, the annual pension rate shall be increased by $600 for each such child in excess of one. In each case, the rate payable shall be reduced by the amount of the surviving spouse's annual income and, subject to subsection (g) of this section, the annual income of each such child.

(d)(1) If a surviving spouse who is entitled to pension under subsection (b) of this section is in need of regular aid and attendance, the annual rate of pension payable to such surviving spouse shall be $3,806, reduced by the amount of the surviving spouse's annual income.

(2) If a surviving spouse who is entitled to pension under subsection (c) of this section is in need of regular aid and attendance, the annual rate of pension payable to the surviving spouse shall be $4,543. If there are two or more children of the veteran in such surviving spouse's custody, the annual rate of pension shall be increased by $600 for each such child in excess of one. The rate payable shall be reduced by the amount of the surviving spouse's annual income and, subject to subsection (g) of this section, the annual income of each such child.

(e)(1) If the surviving spouse is permanently housebound but does not qualify for pension at the aid and attendance rate provided by subsection (d) of this section, the annual rate of pension payable to such surviving spouse under subsection (b) of this section shall be $2,908 and the annual rate of pension payable to such surviving spouse under subsection (c) of this section shall be $3,645. If there are two or more children of the veteran in such surviving spouse's custody, the annual rate of pension shall be increased by $600 for each such child in excess of one. The rate payable shall be reduced by the amount of the surviving spouse's annual income and, subject to subsection (g) of this section, the income of any child of the veteran for whom the surviving spouse is receiving increased pension.

(2) For purposes of paragraph (1) of this subsection, the requirement of "permanently housebound" shall be met when the surviving spouse is substantially confined to such surviving spouse's house (ward or clinical areas, if institutionalized) or immediate premises by reason of a disability or disabilities reasonably certain to remain throughout such surviving spouse's lifetime.

(f) No pension shall be paid under this section to a surviving spouse of a veteran unless the spouse was married to the veteran—

(1) before (A) December 14, 1944, in the case of a surviving spouse of a Mexican border period or World War I veteran, (B) January 1, 1957, in the case of a surviving spouse of a World War II veteran, (C) February 1, 1965, in the case of a surviving spouse of a Korean conflict veteran, or (D) May 8, 1985, in the case of a surviving spouse of a Vietnam era veteran;

(2) for one year or more; or

(3) for any period of time if a child was born of the marriage, or was born to them before the marriage.

(g) In determining the annual income of a surviving spouse for the purposes of this section, if there is a child of the veteran in the custody of the surviving spouse, that portion of the annual income of the child that is reasonably available to or for the surviving spouse shall be considered to be income of the surviving spouse, unless in the judgement of the Administrator to do so would work a hardship on the surviving spouse.

(h) As used in this section and section 542 of this title, the term "veteran" includes a person who has completed at least two years of honorable active military, naval, or air service, as certified by the Secretary concerned, but whose death in such service was not in line of duty.

(As amended Pub. L. 95–204, title I, § 102. Dec. 2, 1977, 91 Stat. 1456; Pub. L. 95–588, title I, § 109(a), Nov. 4, 1978, 92 Stat. 2503.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95–588 revised the eligibility provisions relating to surviving spouses to apply to veterans of any period of war rather than veterans of specifically named wars and added reference to periodic increases of the rate of pension payments pursuant to section 3112 of this title.

Subsec. (b). Pub. L. 95–588 qualified the parental requirement of this subsection by adding the custody provision, substituted a fixed pension amount of $2,379 for a formula for determining such annual pension based upon the annual income of the veteran, and struck out the minimum and maximum monthly payment requirements.

Subsec. (c). Pub. L. 95–588 qualified the parental requirement of this subsection by adding the custody provision, substituted a fixed pension amount of $3,116 for a formula for determining such annual pension based upon the annual income of the veteran, and added a provision authorizing an annual pension rate increase of $600 for each family member of an eligible veteran in excess of one.

Subsec. (d). Pub. L. 95–588 substituted provisions prescribing a fixed amount of $3,806, as reduced by an annual income deduction, as the annual rate of pension payable to a surviving spouse entitled to a pension under subsec. (b) of this section and in need of regular aid and attendance and a fixed amount of $4,543, subject to a similar deduction for income of spouse and child, as the annual rate of pension payable to a surviving spouse entitled to a pension under subsec. (c) of this section and in need of such aid for provision prescribing the monthly rate of pension payable under subsec. (c) of this section where there is a surviving spouse and more than one child.

Subsec. (e). Pub. L. 95–588 substituted provisions relating to a surviving spouse who is permanently housebound for provisions specifying the eligibility requirements for such surviving spouses.

Subsec. (f). Pub. L. 95–588 substituted provisions specifying the eligibility requirements for surviving spouses for provision defining the term "veteran".

Subsecs. (g) and (h). Pub. L. 95–588 added subsecs. (g) and (h).

1977—Subsec. (b)(1). Pub. L. 95–204, § 102(1), increased the monthly rate of pension from $125 to $133, added authorization for reductions by .07 for amounts more than 2,800 but not more than 3,770, and substituted "1,100" for "1,200" in two places, "1,800" for "2,300" in two places, and "2,800" for "3,540".

Subsec. (b)(3). Pub. L. 95–204, § 102(2), substituted "$3,770" for "$3,540".

Subsec. (c)(1). Pub. L. 95–204, § 102(3), increased the monthly rate of pension from $149 to $159, and substituted "1,600" for "1,700" in two places, "2,400" for "2,500" in two places, "2,900" for "3,300" in two places, and "5,070" for "4,760".

Subsec. (c)(2). Pub. L. 95–204, § 102(4), substituted "$5,070" for "$4,760".

Subsec. (d). Pub. L. 95–204, § 102(5), substituted "$26" for "$24".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–588 effective Jan. 1, 1979, see section 401 of Pub. L. 95–588, set out as an Effective Date of 1978 Amendment note under section 101 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–204 to take effect Jan. 1, 1978, see section 302 of Pub. L. 95–204, set out as an Effective Date of 1977 Amendment note under section 322 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 506, 508, 536, 542, 543, 3112 of this title.

§ 542. Children of veterans of a period of war

The Administrator shall pay to each child (1) who is the child of a deceased veteran of a period of war who met the service requirements prescribed in section 521(j) of this title, or who at the time of death was receiving (or entitled to receive) compensation or retirement pay for a service-connected disability, and (2) who is not in the custody of a surviving spouse eligible for pension under section 541 of this title, pension at the annual rate of $600, as increased from time to time under section 3112 of this title and reduced by the amount of such child's annual income; or, if such child is residing with a person who is legally responsible for such child's support, at an annual rate equal to the amount by which the appropriate annual rate provided under section 541(c) of this title exceeds the sum of the annual income of such child and such person, but in no event may such annual rate of pension exceed the amount by which $600, as increased from time to time under section 3112 of this title, exceeds the annual income of such child. The appropriate annual rate under such section 541(c) for the purposes of the preceding sentence shall be determined in accordance with regulations which the Administrator shall prescribe.

(As amended Pub. L. 95–204, title I, § 103, Dec. 2, 1977, 91 Stat. 1457; Pub. L. 95–588, title I, § 110(a), Nov. 4, 1978, 92 Stat. 2504.)

AMENDMENTS

1978—Pub. L. 95–588 revised section to speak in terms of children of veterans of any period of war rather than children of veterans of specifically named conflicts, restructured section to eliminate subsection designations, struck out provision formerly comprising

subsec. (b) of this section which related to payment of pensions to recipient children in equal shares, and added reference to periodic pension increases pursuant to section 3112 of this title.

1977—Subsec. (a). Pub. L. 95-204, § 103(1), substituted "$61" and "$26" for "$57" and "$24", respectively.

Subsec. (c). Pub. L. 95-204, § 103(2), substituted "$3,080" for "$2,890".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-588 effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as an Effective Date of 1978 Amendment note under section 101 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-204 to take effect Jan. 1, 1978, see section 302 of Pub. L. 95-204, set out as an Effective Date of 1977 Amendment note under section 322 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 506, 508, 541, 543, 3112 of this title.

§ 543. Net worth limitation

(a)(1) The Administrator shall deny or discontinue payment of pension to a surviving spouse under section 541 of this title when the corpus of the estate of the surviving spouse is such that under all the circumstances, including consideration of the income of the surviving spouse and the income of any child from whom the surviving spouse is receiving increased pension, it is reasonable that some part of the corpus of such estate be consumed for the surviving spouse's maintenance.

(2) The Administrator shall deny or discontinue the payment of increased pension under subsection (c), (d), or (e) of section 541 of this title on account of a child when the corpus of such child's estate is such that under all the circumstances, including consideration of the income of the surviving spouse and such child and the income of any other child for whom the surviving spouse is receiving increased pension, it is reasonable that some part of the corpus of the child's estate be consumed for the child's maintenance. During the period such denial or discontinuance remains in effect, such child shall not be considered as the surviving spouse's child for purposes of this chapter.

(b) The Administrator shall deny or discontinue payment of pension to a child under section 542 of this title when the corpus of the estate of the child is such that under all the circumstances, including consideration of the income of the child, the income of any person with whom such child is residing who is legally responsible for such child's support, and the corpus of the estate of such person, it is reasonable that some part of the corpus of such estates be consumed for the child's maintenance.

(As amended Pub. L. 95-588, title I, § 111, Nov. 4, 1978, 92 Stat. 2504.)

AMENDMENTS

1978—Pub. L. 95-588 designated existing provisions relating to denial or discontinuance of pension payments to surviving spouses as subsec. (a), expanded existing provisions relating to denial or discontinuance of pension payments to children of veterans, and designated such expanded provisions as subsecs. (a)(2) and (b).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-588 effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as an Effective Date of 1978 Amendment note under section 101 of this title.

[SURVIVING SPOUSES OF VETERANS OF ALL PERIODS OF WAR—REPEALED]

AMENDMENTS

1978—Pub. L. 95-588, title I, § 112(a)(2), Nov. 4, 1978, 92 Stat. 2505, struck out heading "Surviving Spouses of Veterans of All Periods of War" following section 543.

[§ 544. Repealed. Pub. L. 95-588, title I, § 112(a)(1), Nov. 4, 1978, 92 Stat. 2505]

Section, added Pub. L. 90-77, title I, § 108(a), Aug. 31, 1967, 81 Stat. 180, and amended Pub. L. 91-588, § 3(a), Dec. 24, 1970, 84 Stat. 1583; Pub. L. 93-527, § 5, Dec. 21, 1974, 88 Stat. 1704; Pub. L. 94-169, title I, § 105, Dec. 23, 1975, 89 Stat. 1017; Pub. L. 94-432, title II, § 205, Sept. 30, 1976, 90 Stat. 1371; Pub. L. 95-204, title I, § 104, Dec. 2, 1977, 91 Stat. 1457, authorized an increase by $79 of the monthly rate of pension payable to the surviving spouse if the surviving spouse was entitled to pension under this subchapter and was in need of regular aid and attendance.

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as an Effective Date of 1978 Amendment note under section 101 of this title.

SUBCHAPTER IV—ARMY, NAVY, AIR FORCE, AND COAST GUARD MEDAL OF HONOR ROLL

§ 562. Special provisions relating to pension

(a) The Administrator shall pay monthly to each person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll, and a copy of whose certificate has been delivered to the Administrator under subsection (c) of section 561 of this title, a special pension at the rate of $200, beginning as of the date of application therefore under section 560 of this title.

[*See main edition for text of* (b) *to* (d)]

(As amended Pub. L. 95-479, title III, § 302, Oct. 18, 1978, 92 Stat. 1565.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-479 increased from $100 to $200 the special pension.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-479 effective Jan. 1, 1979, see section 401(b) of Pub. L. 95-479, set out as an Effective Date of 1978 Amendment note under section 314 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 560, 561 of this title; title 26 sections 128, 6334.

CHAPTER 17—HOSPITAL, NURSING HOME, DOMICILIARY, AND MEDICAL CARE

SUBCHAPTER II—HOSPITAL, NURSING HOME, OR DOMICILIARY CARE AND MEDICAL TREATMENT

Sec.
612A. Eligibility for readjustment counseling and related mental health services.
620A. Treatment and rehabilitation for alcohol or drug dependence or abuse disabilities; pilot program.

SUBCHAPTER III—MISCELLANEOUS PROVISIONS RELATING TO HOSPITAL AND NURSING HOME CARE AND MEDICAL TREATMENT OF VETERANS

624. Hospital care and medical services abroad.[1]

SUBCHAPTER IV—HOSPITAL AND MEDICAL CARE FOR COMMONWEALTH OF THE PHILIPPINES ARMY VETERANS

634. Hospital and nursing home care and medical services in the United States.
635. Definitions.

SUBCHAPTER V—PAYMENTS TO STATE HOMES

[644. Repealed.]

SUBCHAPTER VII—PREVENTIVE HEALTH-CARE SERVICES PILOT PROGRAM

661. Purpose.
662. Definition.
663. Preventive health-care services.
664. Reports.

AMENDMENTS

1979—Pub. L. 96-22, title I, §§ 103(a)(2), 104(b), 105(b), 106(b), June 13, 1979, 93 Stat. 50, 51, 53, added items 612A, 620A, 634, and 661 to 664 and redesignated former item 634 as 635.

1977—Pub. L. 95-62, § 4(b), July 5, 1977, 91 Stat. 263, struck out item 644 "Authorization of appropriations".

SUBCHAPTER I—GENERAL

§ 601. Definitions

For the purposes of this chapter—

[*See main edition for text of (1) to (3)*]

(4) The term "Veterans' Administration facilities" means—

[*See main edition for text of (A) and (B)*]

(C) private facilities for which the Administrator contracts when facilities described in clause (A) or (B) of this paragraph are not capable of furnishing economical care because of geographical inaccessibility or of furnishing the care or services required in order to provide (i) hospital care or medical services to a veteran for the treatment of a service-connected disability or a disability for which a veteran was discharged or released from the active military, naval, or air service; (ii) medical services for the treatment of any disability of a veteran described in clause (1)(B) or (2) of the first sentence, or in the third sentence, of section 612(f) of this title or of a veteran described in section 612(g) of this title if the Administrator has determined, based on an examination by a physician employed by the Veterans' Administration (or, in areas where no such physician is available, by a physician carrying out such function under a contract or fee arrangement), that the medical condition of such veteran precludes appropriate treatment in facilities described in clauses (A) and (B) of this paragraph; (iii) hospital care or medical services for the treatment of medical emergencies which pose a serious threat to the life or health of a veteran receiving medical services in a facility described in clause (A) or (B) of this paragraph until such time as the veteran can be safely transferred to any such facility; (iv) hospital care for women veterans; (v) hospital care, or medical services that will obviate the need for hospital admission, for veterans in a State not contiguous to the forty-eight contiguous States, except that the annually determined hospital patient load and incidence of the provision of medical services to veterans hospitalized or treated at the expense of the Veterans' Administration in Government and private facilities in each such noncontiguous State shall be consistent with the patient load or incidence of the provision of medical services for veterans hospitalized or treated by the Veterans' Administration within the forty-eight contiguous States, but the authority of the Administrator under this subclause (except with respect to Alaska and Hawaii) shall expire on December 31, 1981, and until such date the Administrator may, if necessary to prevent hardship, waive the applicability to the Commonwealth of Puerto Rico and to the Virgin Islands of the restrictions in this subclause with respect to hospital patient loads and incidence of provision of medical services; or (vi) diagnostic services necessary for determination of eligibility for, or of the appropriate course of treatment in connection with, the provision of medical services at independent Veterans' Administration outpatient clinics to obviate the need for hospital admission.

In the case of any veteran for whom the Administrator contracts to provide treatment in a private facility pursuant to the provisions of this paragraph, the Administrator shall periodically review the necessity for continuing such contractual arrangement pursuant to such provision.

(5) The term "hospital care" includes—

(A)(i) medical services rendered in the course of the hospitalization of any veteran, and (ii) travel and incidental expenses pursuant to the provisions of section 111 of this title;

[*See main edition for text of (B)*]

(C)(i) medical services rendered in the course of the hospitalization of a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title, and (ii) travel and incidental expenses for such dependent or survivor under the terms and conditions set forth in section 111 of this title.

(6) The term "medical services" includes, in addition to medical examination, treatment, and rehabilitative services—

[1] Section catchline amended without amending analysis.

(A)(i) surgical services, dental services and appliances as described in sections 610 and 612 of this title, optometric and podiatric services, and (except under the conditions described in section 612(f)(1)(A) of this title), wheelchairs, artificial limbs, trusses, and similar appliances, special clothing made necessary by the wearing of prosthetic appliances, and such other supplies or services as the Administrator determines to be reasonable and necessary, and (ii) travel and incidental expenses pursuant to the provisions of section 111 of this title; and

(B) such consultation, professional counseling, training, and mental health services as are necessary in connection with the treatment—

[*See main edition for text of* (i) *and* (ii)]

for the members of the immediate family or legal guardian of a veteran, or the individual in whose household such veteran certifies an intention to live, as may be essential to the effective treatment and rehabilitation of the veteran (including, under the terms and conditions set forth in section 111 of this title, travel and incidental expenses of such family member or individual in the case of a veteran who is receiving care for a service-connected disability, or in the case of [1] dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title). For the purposes of this paragraph, a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title shall be eligible for the same medical services as a veteran.

[*See main edition for text of* (7) *and* (8)]

(As amended Pub. L. 95–520, § 5, Oct. 26, 1978, 92 Stat. 1820; Pub. L. 96–22, title I, § 102(c), title II, § 201(a), June 13, 1979, 93 Stat. 48, 54; Pub. L. 96–151, title II, §§ 201(b), 202, Dec. 20, 1979, 93 Stat. 1093, 1094.)

AMENDMENTS

1979—Par. (4). Pub. L. 96–22, §§ 102(c)(1), 201(a), substituted "medical services for the treatment of any disability of a veteran described in clause (1)(B) or (2) of the first sentence, or the third sentence, of section 612(f) of this title or of a veteran described in section 612(g) of this title if the Administrator has determined, based on an examination by a physician employed by the Veterans' Administration (or, in areas where no such physician is available, by a physician carrying out such function under a contract or fee arrangement), that the medical condition of such veteran precludes appropriate treatment in facilities described in clauses (A) and (B) of this paragraph" for "medical services for the treatment of any disability of a veteran described in clause (1)(B) or (2) of section 612(f) of this title" in subcl. (ii) of cl. (C), and added subcl. (vi) of cl. (C) and the provisions following cl. (C) relating to the periodic review of the necessity for continuing contractual arrangements in the case of veterans receiving contract care.

Par. (4)(C)(iii). Pub. L. 96–151, § 202, added provisions respecting safe transfer of the veteran, and substituted "medical services in" for "hospital care in".

Par. (5)(A). Pub. L. 96–151, § 201(b)(1), substituted "travel" for "transportation".

Par. (5)(C). Pub. L. 96–151, § 201(b)(2), substituted provisions relating to travel and incidental expenses for provisions relating to transportation and incidental expenses.

Par. (6)(A)(i). Pub. L. 96–22, § 102(c)(2), substituted "described in sections 610 and 612 of this title" for "authorized in sections 612 (b), (c), (d), and (e) of this title".

Par. (6)(B). Pub. L. 96–151, § 201(b)(3), substituted "travel and incidental expenses" for "necessary expenses of travel and subsistence".

1978—Par. (4)(C)(v). Pub. L. 95–520 defined "Veterans' Administration facilities" to: include certain private facilities to provide medical services to obviate the need for hospital admission, deleted reference to hospital care for veterans in a territory, Commonwealth, or possession of the United States not contiguous to the forty-eight contiguous States, substituted provision requiring the annually determined hospital patient load and incidence of the provision of medical services to veterans hospitalized or treated at expense of Veterans' Administration in Government and private facilities in each noncontiguous State to be consistent with patient load or incidence of the provision of medical services for veterans hospitalized or treated by the Veterans' Administration within the forty-eight contiguous States for prior requirement that the annually determined average hospital patient load per thousand veteran population hospitalized at Veterans' Administration expense in Government and private facilities in each noncontiguous State not exceed the average patent load per thousand veteran population hospitalized by the Veterans' Administration within the forty-eight contiguous States; extended termination date for exercise of subcl. (v) authority to Dec. 31, 1981, from Dec. 31, 1978, except as to Alaska and Hawaii, and authorized waiver by the Administrator, to prevent hardship, of applicability to Puerto Rico and Virgin Islands of subcl. (v) restrictions with respect to hospital patient loads and incidence of provision of medical services.

EFFECTIVE DATE OF 1979 AMENDMENTS

Amendment by Pub. L. 96–151 effective Jan. 1, 1980, see section 206 of Pub. L. 96–151, set out as an Effective Date of 1979 Amendment note under section 111 of this title.

Section 107 of Pub. L. 96–22 provided that: "The amendments made to title 38, United States Code, by sections 102, 103, 104, 105, and 106 of this Act [enacting sections 612A, 620A, 634, and 661 to 664 of this title, amending sections 601, 610, and 612 of this title, redesignating former section 634 of this title as 635, and enacting provisions set out as a note under section 612A of this title] shall be effective on October 1, 1979."

ANNUAL REPORT TO CONGRESS COVERING CONTRACT-CARE PROGRAMS

Section 201(b) of Pub. L. 96–22 provided that: "Not later than February 1, 1980, and annually thereafter, the Chief Medical Director of the Veterans' Administration shall submit to the appropriate committees of the Congress, through the Administrator of Veterans' Affairs, a full report on the implementation of section 601(4)(C)(v) of title 38, United States Code, and the amendments made by this section [amending this section], and on the numbers of veterans provided contract treatment (and the average cost and duration thereof) in each State (as defined in section 101(20) of title 38, United States Code) in the categories described in the following provisions of such title: sections 601(4)(C), 610(a), 612(a), 612(f)(1)(A), 612(f)(1)(B), 612(f)(2), 612(g), 612A (as added by section 103(a)(1) of this Act), the third sentence of section 612(f) (as added by section 102(b)(2) of this Act), and section 620A (as added by section 104(a) of this Act)."

[1] So in original. Probably should be "of a".

HOSPITAL CARE AND MEDICAL SERVICES FURNISHED BY VETERANS' ADMINISTRATION IN PUERTO RICO AND VIRGIN ISLANDS; REPORT TO PRESIDENT AND CONGRESS

Section 8 of Pub. L. 95-520 provided that:

"(a) Not later than February 1, 1980, the Administrator of Veterans' Affairs shall submit a report to the Congress and to the President on the furnishing by the Veterans' Administration of hospital care and medical services in the Commonwealth of Puerto Rico and in the Virgin Islands. The Administrator shall include in such report—

"(1) a comprehensive assessment of the health-care needs of veterans in the Commonwealth of Puerto Rico and in the Virgin Islands;

"(2) a detailed report on the hospital care and medical services furnished or to be furnished to such veterans during fiscal years 1975 through 1981, with information in such report shown with respect to the number of veterans treated or to be treated, the facilities at which such care and services are furnished or to be furnished, and the extent to which such care and services are furnished or are to be furnished for the treatment of veterans for service-connected disabilities of any degree and of veterans with service-connected disabilities rated at 50 per centum or more; and

"(3) recommendations as to how the health-care needs of such veterans can best be addressed within the existing authority of the Administrator of Veterans' Affairs and what additional authority, if any, is necessary and desirable to meet such needs.

"(b) In making recommendations under subsection (a)(3), the Administrator shall take into consideration—

"(1) the state of the economy in the Commonwealth of Puerto Rico and in the Virgin Islands;

"(2) alternative sources of health-care services that would be available to veterans in the Commonwealth of Puerto Rico and in the Virgin Islands if the health-care services furnished by the Veterans' Administration for non-service-connected disabilities were substantially reduced;

"(3) the desirability of equitable distribution of Veterans' Administration health-care resources; and

"(4) the higher priority established by law for the care and treatment of service-connected disabilities."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 612, 612A of this title.

SUBCHAPTER II—HOSPITAL, NURSING HOME, OR DOMICILIARY CARE AND MEDICAL TREATMENT

§ 610. Eligibility for hospital, nursing home, and domiciliary care

[See main edition for text of (a) and (b)]

(c) While any veteran is receiving hospital care or nursing home care in any Veterans' Administration facility, the Administrator may, within the limits of Veterans' Administration facilities, furnish medical services to correct or treat any non-service-connected disability of such veteran, in addition to treatment incident to the disability for which such veteran is hospitalized, if the veteran is willing, and the Administrator finds such services to be reasonably necessary to protect the health of such veteran. The Administrator may furnish dental services and treatment, and related dental appliances, under this subsection for a non-service-connected dental condition or disability of a veteran only (1) to the extent that the Administrator determines that the dental facilities of the Veterans' Administration to be used to furnish such services, treatment, or appliances are not needed to furnish services, treatment, or appliances for dental conditions or disabilities described in section 612(b) of this title, or (2) if (A) such non-service-connected dental condition or disability is associated with or aggravating a disability for which such veteran is receiving hospital care, or (B) a compelling medical reason or a dental emergency requires furnishing dental services, treatment, or appliances (excluding the furnishing of such services, treatment, or appliances of a routine nature) to such veteran during the period of hospitalization under this section.

[See main edition for text of (d)]

(As amended Pub. L. 96-22, title I, § 102(a), June 13, 1979, 93 Stat. 47.)

AMENDMENTS

1979—Subsec. (c). Pub. L. 96-22 added provisions relating to the furnishing of dental services and treatment and related dental appliances for non-service-connected dental conditions or disabilities of veterans.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-22 effective Oct. 1, 1979, see section 107 of Pub. L. 96-22, set out as an Effective Date of 1979 Amendment note under section 601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 601, 612, 622, 903 of this title.

§ 611. Care during examinations and in emergencies

[See main edition for text of (a) and (b)]

(c)(1) The Administrator may contract with any organization named in, or approved by the Administrator under, section 3402 of this title to provide for the furnishing by the Administrator, on a reimbursable basis (as prescribed by the Administrator), of emergency medical services to individuals attending any national convention of such organization, except that reimbursement shall not be required for services furnished under this subsection to the extent that the individual receiving such services would otherwise be eligible under this chapter for medical services.

(2) The authority of the Administrator to enter into contracts under this subsection shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(As amended Pub. L. 96-22, title II, § 202, June 13, 1979, 93 Stat. 54; Pub. L. 96-128, title V, § 501(a), Nov. 28, 1979, 93 Stat. 987.)

AMENDMENTS

1979—Subsec. (c). Pub. L. 96-22 added subsec. (c).

Subsec. (c)(1). Pub. L. 96-128 substituted "named in, or approved by the Administrator under," for "recognized by the Administrator for the purposes of".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-128 effective Nov. 28, 1979, see section 601(b) of Pub. L. 96-128 set out as an Effective Date of 1979 Amendment note under section 314 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 612A, 903 of this title.

§ 612. Eligibility for medical treatment

[See main edition for text of (a)]

(b) Outpatient dental services and treatment, and related dental appliances, shall be furnished under this section only for a dental condition or disability—

[See main edition for text of (1) to (4)]

(5) which is a non-service-connected condition or disability of a veteran for which treatment was begun while such veteran was receiving hospital care under this chapter and such services and treatment are reasonably necessary to complete such treatment;

(6) from which a veteran of the Spanish-American War or Indian wars is suffering;

(7) from which any veteran of World War I, World War II, the Korean conflict, or the Vietnam era who was held as a prisoner of war for a period of not less than six months is suffering; or

(8) from which a veteran who has a service-connected disability rated as total is suffering.

The total amount which the Administrator may expend for furnishings, during any twelve-month period, outpatient dental services, treatment, or related dental appliances to a veteran under this section through private facilities for which the Administrator has contracted under clause (i), (ii), or (v) of section 601(4)(C) of this title may not exceed $500 unless the Administrator determines, prior to the furnishing of such services, treatment, or appliances and based on an examination of the veteran by a dentist employed by the Veterans' Administration (or, in an area where no such dentist is available, by a dentist conducting such examination under a contract or fee arrangement), that the furnishing of such services, treatment, or appliances at such cost is reasonably necessary. In any year in which the President's Budget for the fiscal year beginning October 1 of such year includes an amount for expenditures for contract dental care under the provisions of subsections (a) and (f) of this section and section 601(4)(C) of this title during such fiscal year in excess of the level of expenditures made for such purpose during fiscal year 1978, the Administrator shall, not later than February 15 of such year, submit a report to the appropriate committees of the Congress justifying the requested level of expenditures for contract dental care and explaining why the application of the criteria prescribed in section 601(4)(C) of this title for contracting with private facilities and in the second sentence of section 610(c) of this title for furnishing incidental dental care to hospitalized veterans will not preclude the need for expenditures for contract dental care in excess of the fiscal year 1978 level of expenditures for such purpose. In any case in which the amount included in the President's Budget for any fiscal year for expenditures for contract dental care under such provisions is not in excess of the level of expenditures made for such purpose during fiscal year 1978 and the Administrator determines after the date of submission of such budget and before the end of such fiscal year that the level of expenditures for such contract dental care during such fiscal year will exceed the fiscal year 1978 level of expenditures, the Administrator shall submit a report to the appropriate committees of the Congress containing both a justification (with respect to the projected level of expenditures for such fiscal year) and an explanation as required in the preceding sentence in the case of a report submitted pursuant to such sentence. Any report submitted pursuant to this subsection shall include a comment by the Administrator on the effect of the application of the criteria prescribed in the second sentence of section 610(c) of this title for furnishing incidental dental care to hospitalized veterans.

[See main edition for text of (c) to (e)]

(f) The Administrator, within the limits of Veterans' Administration facilities, may furnish medical services for any disability on an outpatient or ambulatory basis—

[See main edition for text of (1) and (2)]

The Administrator may also furnish to any such veteran such home health services as the Administrator determines to be necessary or appropriate for the effective and economical treatment of a disability of a veteran (including only such improvements and structural alterations the cost of which does not exceed $600 (or reimbursement up to such amount) as are necessary to assure the continuation of treatment or provide access to the home or to essential lavatory and sanitary facilities). The Administrator may also furnish outpatient dental services and treatment, and related appliances, to any veteran described in subsection (b)(7) of this section.

(g) In the case of any veteran who is a veteran of the Mexican border period or of World War I or who is in receipt of increased pension or additional compensation or allowance based on the need of regular aid and attendance or by reason of being permanently housebound, or who, but for the receipt of retired pay, would be in receipt of such pension, compensation, or allowance, the Administrator, within the limits of Veterans' Administration facilities, may furnish the veteran such medical services as the Administrator finds to be reasonably necessary. The Administrator may also furnish to any such veteran home health services under the terms and conditions set forth in subsection (f) of this section.

(h) The Administrator shall furnish to each veteran who is receiving additional compensation or allowance under chapter 11, or increased pension as a veteran of the Mexican border period, World War I, World War II, the Korean conflict, or the Vietnam era, by reason of being permanently housebound or in need of regular aid and attendance, such drugs and medicines as may be ordered on prescription of a duly licensed physician as specific therapy in the treatment of any illness or injury suffered by such veteran. The Administrator shall con-

tinue to furnish such drugs and medicines so ordered to any such veteran in need of regular aid and attendance whose pension payments have been discontinued solely because such veteran's annual income is greater than the applicable maximum annual income limitation, but only so long as such veteran's annual income does not exceed such maximum annual income limitation by more than $1,000.

(i) Not later than ninety days after the effective date of this subsection, the Administrator shall prescribe regulations to ensure that special priority in furnishing medical services under this section and any other outpatient care with funds appropriated for the medical care of veterans shall be accorded in the following order, unless compelling medical reasons require that such care be provided more expeditiously:

(1) To any veteran for a service-connected disability.

(2) To any veteran described in subsection (f)(2) of this section.

(3) To any veteran with a disability rated as service-connected (including any veteran being examined to determine the existence or rating of a service-connected disability).

(4) To any veteran being furnished medical services under subsection (g) of this section.

[*See main edition for text of (j)*]

(As amended Pub. L. 95–588, title III, § 302, Nov. 4, 1978, 92 Stat. 2506; Pub. L. 96–22, title I, §§ 101, 102(b), June 13, 1979, 93 Stat. 47; Pub. L. 96–151, title II, §§ 203, 204, Dec. 20, 1979, 93 Stat. 1094.)

AMENDMENTS

1979—Subsec. (b). Pub. L. 96–151, § 203, added provisions relating to the total amount the Administrator may expend.

Pub. L. 96–22, § 102(b)(1), added pars. (7) and (8) and provisions following par. (8).

Subsec. (f). Pub. L. 96–22, § 102(b)(2), authorized the Administrator to furnish outpatient dental services and treatment, and related appliances, to any veteran described in subsec. (b)(7) of this section.

Subsec. (g). Pub. L. 96–151, § 204, added provisions relating to particular applicability to Mexican border period or World War I veterans, and provisions relating to furnishing by the Administrator of home health care services.

Subsec. (i)(3). Pub. L. 96–22, § 101, added "(including any veteran being examined to determine the existence or rating of a service-connected disability)" following "with a disability rated as service connected".

1978—Subsec. (h). Pub. L. 95–588 substituted "$1,000" for "$500".

CHANGE OF NAME

The Secretary of Health, Education, and Welfare was redesignated the Secretary of Health and Human Services by section 3508 of Title 20, Education.

EFFECTIVE DATE OF 1979 AMENDMENTS

Amendment by Pub. L. 96–151 effective Jan. 1, 1980, see section 206 of Pub. L. 96–151, set out as an Effective Date of 1979 Amendment note under section 111 of this title.

Amendment of subsecs. (b) and (f) of this section by Pub. L. 96–22 effective Oct. 1, 1979, see section 107 of Pub. L. 96–22, set out as an Effective Date of 1979 Amendment note under section 601 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–588 effective Jan. 1, 1979, see section 401 of Pub. L. 95–588, set out as an Effective Date of 1978 Amendment note under section 101 of this title.

STUDY OF HOME MODIFICATIONS FOR TOTALLY BLINDED SERVICE-CONNECTED VETERANS; REPORT NOT LATER THAN OCTOBER 1, 1979

Section 505 of Pub. L. 96–22 provided that: "The Administrator of Veterans' Affairs shall submit a report to the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than October 1, 1979, on the needs of veterans who are totally blind from service-connected causes for home modifications the cost of which exceed the amount allowable for such purposes under section 612(a) of title 38, United States Code, and on the reasons why such veterans have not applied for home health services under such section 612(a)."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 601, 610, 612A, 618, 632, 663, 5010 of this title.

§ 612A. Eligibility for readjustment counseling and related mental health services

(a) Upon the request of any veteran who served on active duty during the Vietnam era, the Administrator shall, within the limits of Veterans' Administration facilities, furnish counseling to such veteran to assist such veteran in readjusting to civilian life if such veteran requests such counseling within two years after the date of such veteran's discharge or release from active duty or two years after the effective date of this section, whichever is later. Such counseling shall include a general mental and psychological assessment to ascertain whether such veteran has mental or psychological problems associated with readjustment to civilian life.

(b)(1) If, on the basis of the assessment furnished under subsection (a) of this section, a physician or psychologist employed by the Veterans' Administration (or, in areas where no such physician or psychologist is available, a physician or psychologist carrying out such function under a contract or fee arrangement with the Administrator) determines that the provision of mental health services to such veteran is necessary to facilitate the successful readjustment of the veteran to civilian life, such veteran shall, within the limits of Veterans' Administration facilities, be furnished such services on an outpatient basis under the conditions specified in clause (1)(B) of section 612(f) of this title. For the purposes of furnishing such mental health services, the counseling furnished under subsection (a) of this section shall be considered to have been furnished by the Veterans' Administration as a part of hospital care. Any hospital care and other medical services considered necessary on the basis of the assessment furnished under subsection (a) of this section shall be furnished only in accordance with the eligibility criteria otherwise set forth in this chapter (including the eligibility criteria set forth in section 611(b) of this title).

(2) Mental health services furnished under paragraph (1) of this subsection may, if determined to be essential to the effective treatment and readjustment of the veteran, include such consultation, counseling, training, services, and expenses as are described in section 601(6)(B) of this title.

(c) Upon receipt of a request for counseling under this section from any individual who has been discharged or released from active military, naval, or air service but who is not eligible for such counseling, the Administrator shall—

(1) provide referral services to assist such individual, to the maximum extent practicable, in obtaining mental health care and services from sources outside the Veterans' Administration; and

(2) if pertinent, advise such individual of such individual's rights to apply to the appropriate military, naval, or air service and the Veterans' Administration for review of such individual's discharge or release from such service.

(d) The Chief Medical Director may provide for such training of professional, paraprofessional, and lay personnel as is necessary to carry out this section effectively, and, in carrying out this section, may utilize the services of paraprofessionals, individuals who are volunteers working without compensation, and individuals who are veteran-students (as described in section 1685 of this title) in initial intake and screening activities.

(e)(1) In furnishing counseling and related mental health services under subsections (a) and (b) of this section, the Administrator shall have available the same authority to enter into contracts with private facilities that is available to the Administrator (under sections 612(f)(2) and 601(4)(C)(ii) of this title) in furnishing medical services to veterans suffering from total service-connected disabilities.

(2) Before furnishing counseling or related mental health services described in subsections (a) and (b) of this section through a contract facility, as authorized by this subsection, the Administrator shall approve (in accordance with criteria which the Administrator shall prescribe by regulation) the quality and effectiveness of the program operated by such facility for the purpose for which the counseling or services are to be furnished.

(3) The authority of the Administrator to enter into contracts under this subsection shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(f) The Administrator, in cooperation with the Secretary of Defense, shall take such action as the Administrator considers appropriate to notify veterans who may be eligible for assistance under this section of such potential eligibility.

(Added Pub. L. 96-22, title I, § 103(a)(1), June 13, 1979, 93 Stat. 48, and amended Pub. L. 96-128, title V, § 501(b), Nov. 28, 1979, 93 Stat. 987.)

AMENDMENTS

1979—Subsec. (d). Pub. L. 96-128 substituted "title)" for "title),".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-128 effective Nov. 28, 1979, see section 601(b) of Pub. L. 96-128 set out as an Effective Date of 1979 Amendment note under section 314 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1979, see section 107 of Pub. L. 96-22, set out as an Effective Date of 1979 Amendment note under section 601 of this title.

READJUSTMENT COUNSELING AND RELATED MENTAL HEALTH SERVICES FOR VETERANS OF WAR DECLARED AFTER JUNE 13, 1979

Section 103(b) of Pub. L. 96-22 provided that: "In the event of a declaration of war by the Congress after the date of the enactment of this Act [June 13, 1979], the Administrator of Veterans' Affairs, not later than six months after the date of such declaration, shall determine and recommend to the Congress whether eligibility for the readjustment counseling and related mental health services provided for in section 612A of title 38, United States Code (as added by subsection (a) of this section) should be extended to the veterans of such war."

§ 613. Medical care for survivors and dependents of certain veterans

(a) The Administrator is authorized to provide medical care, in accordance with the provisions of subsection (b) of this section, for—

(1) the spouse or child of a veteran who has a total disability, permanent in nature, resulting from a service-connected disability,

(2) the surviving spouse or child of a veteran who (A) died as a result of a service-connected disability, or (B) at the time of death had a total disability permanent in nature, resulting from a service-connected disability, and

(3) the surviving spouse or child of a person who died in the active military, naval, or air service in the line of duty and not due to such person's own misconduct,

who are not otherwise eligible for medical care under chapter 55 of title 10 (CHAMPUS).

[*See main edition for text of* (b)]

(c) For the purposes of this section, a child between the ages of eighteen and twenty-three (1) who is eligible for benefits under subsection (a) of this section, (2) who is pursuing a full-time course of instruction at an educational institution approved under chapter 36 of this title, and (3) who, while pursuing such course of instruction, incurs a disabling illness or injury (including a disabling illness or injury incurred between terms, semesters, or quarters or during a vacation or holiday period) which is not the result of such child's own willful misconduct and which results in such child's inability to continue or resume such child's chosen program of education at an approved educational institution shall remain eligible for benefits under this section until the end of the six-month period beginning on the date the disability is removed, the end of the two-year period beginning on the date of the onset of the disability, or the twenty-third birthday of the child, whichever occurs first.

(As amended Pub. L. 96-151, title II, § 205(a), Dec. 20, 1979, 93 Stat. 1094.)

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-151, § 205(a)(1), in cl. (1) substituted reference to spouse for reference to wife, in cl. (2). substituted reference to surviving spouse for reference to widow, and added cl. (3).

Subsec. (c). Pub. L. 96–151, § 205(a)(2), added subsec. (c).

EFFECTIVE DATE OF 1979 AMENDMENT

Section 205(b) of Pub. L. 96–151 provided that: "The amendments made by subsection (a) [amending this section] shall take effect with respect to fiscal year 1980 only to such extent and for such amounts as may be specifically provided for such purpose in appropriation Acts."

§ 614. Fitting and training in use of prosthetic appliances; seeing-eye dogs

(a) Any veteran who is entitled to a prosthetic appliance shall be furnished such fitting and training, including institutional training, in the use of such appliance as may be necessary, whether in a Veterans' Administration facility or other training institution, or by outpatient treatment, including such service under contract, and including travel and incidental expenses (under the terms and conditions set forth in section 111 of this title) to and from such veteran's home to such hospital or training institution.

(b) The Administrator may provide seeing-eye or guide dogs trained for the aid of the blind to veterans who are entitled to disability compensation, and may pay travel and incidental expenses (under the terms and conditions set forth in section 111 of this title) to and from their homes and incurred in becoming adjusted to such seeing-eye or guide dogs. The Administrator may also provide such veterans with mechanical or electronic equipment for aiding them in overcoming the handicap of blindness.

(As amended Pub. L. 96–151, title II, § 201(c), Dec. 20, 1979, 93 Stat. 1093.)

AMENDMENTS

1979—Subsec. (a). Pub. L. 96–151, § 201(c)(1), substituted provisions respecting travel and incidental expenses for provisions respecting necessary travel expenses.

Subsec. (b). Pub. L. 96–151, § 201(c)(2), substituted provisions respecting travel and incidental expenses for provisions respecting all necessary travel expenses.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–151 effective Jan. 1, 1980, see section 206 of Pub. L. 96–151, set out as an Effective Date of 1979 Amendment note under section 111 of this title.

§ 616. Hospital care by other agencies of the United States

CHANGE OF NAME

The Department of Health, Education, and Welfare was redesignated the Department of Health and Human Services by section 3508 of Title 20, Education.

§ 620. Transfers for nursing home care

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 610, 624, 632, 642, 5005, 5034 of this title.

§ 620A. Treatment and rehabilitation for alcohol or drug dependence or abuse disabilities; pilot program

(a)(1) The Administrator, in furnishing hospital, nursing home, and domiciliary care and medical and rehabilitative services under this chapter, may conduct a pilot program under which the Administrator may contract for care and treatment and rehabilitative services in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities for eligible veterans suffering from alcohol or drug dependence or abuse disabilities. Such pilot program shall be planned, designed, and conducted by the Chief Medical Director, with the approval of the Administrator, so as to demonstrate any medical advantages and cost effectiveness that may result from furnishing such care and services to veterans with such disabilities in contract facilities as authorized by this section, rather than in facilities over which the Administrator has direct jurisdiction.

(2) Before furnishing such care and services to any veteran through a contract facility as authorized by paragraph (1) of this subsection, the Administrator shall approve (in accordance with criteria which the Administrator shall prescribe by regulation) the quality and effectiveness of the program operated by such facility for the purpose for which such veteran is to be furnished such care and services.

(b) The Administrator, in consultation with the Secretary of Labor and the Director of the Office of Personnel Management, may take appropriate steps to (1) urge all Federal agencies and appropriate private and public firms, organizations, agencies, and persons to provide appropriate employment and training opportunities for veterans who have been provided treatment and rehabilitative services under this title for alcohol or drug dependence or abuse disabilities and have been determined by competent medical authority to be sufficiently rehabilitated to be employable, and (2) provide all possible assistance to the Secretary of Labor in placing such veterans in such opportunities.

(c) Upon receipt of an application for treatment and rehabilitative services under this title for an alcohol or drug dependence or abuse disability from any individual who has been discharged or released from active military, naval, or air service but who is not eligible for such treatment and services, the Administrator shall—

(1) provide referral services to assist such individual, to the maximum extent practicable, in obtaining treatment and rehabilitative services from sources outside the Veterans' Administration; and

(2) if pertinent, advise such individual of such individual's rights to apply to the appropriate military, naval, or air service and the Veterans' Administration for review of such individual's discharge or release from such service.

(d)(1) Any person serving in the active military, naval, or air service who is determined by the Secretary concerned to have an alcohol or drug dependence or abuse disability may not be transferred to any facility in order for the Administrator to furnish care or treatment and rehabilitative services for such disability unless such transfer is during the last thirty days of such member's enlistment period or tour of duty, in which case such care and services pro-

vided to such member shall be provided as if such member were a veteran. Any transfer of any such member for such care and services shall be made pursuant to such terms as may be agreed upon by the Secretary concerned and the Administrator, subject to the provisions of the Act of March 4, 1915 (31 U.S.C. 686).

(2) No person serving in the active military, naval, or air service may be transferred pursuant to an agreement made under paragraph (1) of this subsection unless such person requests such transfer in writing for a specified period of time during the last thirty days of such person's enlistment period or tour of duty. No such person transferred pursuant to such a request may be furnished such care and services by the Administrator beyond the period of time specified in such request unless such person requests in writing an extension for a further specified period of time and such request is approved by the Administrator.

(e) The Administrator may not furnish care and treatment and rehabilitative services under subsection (a) of this section after the last day of the fifth fiscal year following the fiscal year in which the pilot program authorized by such subsection is initiated.

(f) Not later than March 31, 1983, the Administrator shall report to the Committees on Veterans' Affairs of the Senate and House of Representatives on the findings and recommendations of the Administrator pertaining to the operation through September 30, 1982, of the pilot program authorized by this section.

(g) The authority of the Administrator to enter into contracts under this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(Added Pub. L. 96-22, title I, § 104(a), June 13, 1979, 93 Stat. 50, and amended Pub. L. 96-128, title V, § 501(c), Nov. 28, 1979, 93 Stat. 987.)

AMENDMENTS

1979—Subsec. (a)(1). Pub. L. 96-128, § 501(c)(1), substituted "treatment facilities for" for "treatment facilities of".

Subsec. (d)(2). Pub. L. 96-128, § 501(c)(2), substituted "such request unless" for "such request, unless".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-128 effective Nov. 28, 1979, see section 601(b) of Pub. L. 96-128 set out as an Effective Date of 1979 Amendment note under section 314 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1979, see section 107 of Pub. L. 96-22, set out as an Effective Date of 1979 Amendment note under section 601 of this title.

SUBCHAPTER III—MISCELLANEOUS PROVISIONS RELATING TO HOSPITAL AND NURSING HOME CARE AND MEDICAL TREATMENT OF VETERANS

§ 624. Hospital care, medical services and nursing home care abroad

[*See main edition for text of* (a) *and* (b)]

(c) Within the limits of those facilities of the Veterans Memorial Medical Center at Manila, Republic of the Philippines, for which the Administrator may contract, the Administrator may furnish necessary hospital care to a veteran for any non-service-connected disability if such veteran is unable to defray the expenses of necessary hospital care. The Administrator may enter into contracts to carry out this section.

[*See main edition for text of* (d)]

(As amended Pub. L. 95-520, § 3(a), Oct. 26, 1978, 92 Stat. 1820.)

AMENDMENTS

1978—Subsec. (c). Pub. L. 95-520 substituted "Veterans Memorial Medical Center" for "Veterans Memorial Hospital".

§ 628. Reimbursement of certain medical expenses

(a) The Administrator may, under such regulations as the Administrator shall prescribe, reimburse veterans entitled to hospital care or medical services under this chapter for the reasonable value of such care or services (including travel and incidental expenses under the terms and conditions set forth in section 111 of this title), for which such veterans have made payment, from sources other than the Veterans' Administration, where—

[*See main edition for text of* (1) *to* (3); (b)]

(As amended Pub. L. 96-151, title II, § 201(d), Dec. 20, 1979, 93 Stat. 1093.)

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-151 substituted provisions relating to travel and incidental expenses for provisions relating to necessary travel.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-151 effective Jan. 1, 1980, see section 206 of Pub. L. 96-151, set out as an Effective Date of 1979 Amendment note under section 111 of this title.

SUBCHAPTER IV—HOSPITAL AND MEDICAL CARE FOR COMMONWEALTH OF THE PHILIPPINES ARMY VETERANS

§ 632. Contracts and grants to provide hospital care, medical services and nursing home care

(a) The President, with the concurrence of the Republic of the Philippines, may authorize the Administrator to enter into contracts with the Veterans Memorial Medical Center, with the approval of the appropriate department of the Government of the Republic of the Philippines, covering the period beginning on July 1, 1973, and ending on September 30, 1981, under which the United States—

(1) will pay for hospital care in the Republic of the Philippines, or for medical services which shall be provided either in the Veterans Memorial Medical Center, or by contract, or otherwise by the Administrator in accordance with the conditions and limitations applicable generally to beneficiaries under section 612 of this title, for Commonwealth Army veterans and new Philippine Scouts determined by the Administrator to be in need of such hospital care or medical services for service-connected disabilities;

(2) will pay for hospital care at the Veterans Memorial Medical Center for Commonwealth Army veterans, and for new Philippine Scouts if they enlisted before July 4, 1946, determined by the Administrator to need such care for non-service-connected disabilities if they are unable to defray the expenses of necessary hospital care;

[*See main edition for text of (3) and (4)*]

(5) may provide that payments for hospital care and for medical services provided to Commonwealth Army veterans and new Philippine Scouts or to United States veterans may consist in whole or in part of available medicines, medical supplies, and equipment furnished by the Administrator to the Veterans Memorial Medical Center at valuations therefor as determined by the Administrator, who may furnish through the revolving supply fund, pursuant to section 5011 of this title, such medicines, medical supplies, and equipment as necessary for this purpose and to use therefore, as applicable, appropriations available for such payments;

[*See main edition for text of (6)*]

(7) may stop payments under any such contract upon reasonable notice as stipulated by the contract if the Republic of the Philippines and the Veterans Memorial Medical Center fail to maintain such hospital in a well-equipped and effective operating condition, as determined by the Administrator.

(b) The total of the payments authorized by subsection (a) of this section shall not exceed $2,000,000 for any one fiscal year ending before October 1, 1981, which shall include an amount not to exceed $250,000 for any one such fiscal year for the purposes of clause (4) of such subsection.

(c) The contract authorized by subsection (a) of this section may provide for the use by the Republic of the Philippines of beds, equipment, and other facilities of the Veterans Memorial Medical Center at Manila, not required for hospital care of Commonwealth Army veterans or new Philippine Scouts for service-connected disabilities, for hospital care of other persons in the discretion of the Republic of the Philippines except that (1) priority of admission and retention in such hospital shall be accorded Commonwealth Army veterans and new Philippine Scouts needing hospital care for service-connected disabilities, and (2) such use shall not preclude the use of available facilities in such hospital on a contract basis for hospital care or medical services for persons eligible therefor from the Veterans' Administration.

(d) To further assure the effective care and treatment of patients in the Veterans Memorial Medical Center, there is authorized to be appropriated for each fiscal year occurring during the period beginning July 1, 1973, and ending September 30, 1981—

(1) the sum of $50,000 to be used by the Administrator for making grants to the Veterans Memorial Medical Center for the purpose of education and training of health service personnel who are assigned to such hospital; and

(2) the sum of $50,000 to be used by the Administrator for making grants to the Veterans Memorial Medical Center for the purpose of assisting the Republic of the Philippines in the replacement and upgrading of equipment and in rehabilitating the physical plant and facilities of such hospital.

Such grants shall be made on such terms and conditions as prescribed by the Administrator, including approval by the Administrator of all education and training programs conducted by the hospital under such grants. Any appropriation made for carrying out the purposes of clause (2) of this subsection shall remain available until expended.

(As amended Pub. L. 95-520, § 3(b), Oct. 26, 1978, 92 Stat. 1820.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-520, § 3(b)(1), (2), substituted "Veterans Memorial Medical Center" for "Veterans Memorial Hospital" in introductory text and pars. (1), (2), (5), and (7), and in introductory text, substituted "enter into contracts" for "enter into a contract" and "September 30, 1981" for "June 30, 1978".

Subsec. (b). Pub. L. 95-520, § 3(b)(3), substituted "October 1, 1981" for "July 1, 1978".

Subsec. (c). Pub. L. 95-520, § 3(b)(1), substituted "Veterans Memorial Medical Center" for "Veterans Memorial Hospital".

Subsec. (d). Pub. L. 95-520, § 3(b)(1), (4), substituted "Veterans Memorial Medical Center" for "Veterans Memorial Hospital" in three instances and "occurring during the period beginning July 1, 1973, and ending September 30, 1981" for "during the five years beginning July 1, 1973, and ending June 30, 1978".

§ 634. Hospital and nursing home care and medical services in the United States

The Administrator, within the limits of Veterans' Administration facilities, may furnish hospital and nursing home care and medical services to Commonwealth Army veterans and new Philippine Scouts for the treatment of the service-connected disabilities of such veterans and scouts.

(Added Pub. L. 96-22, title I, § 106(a), June 13, 1979, 93 Stat. 53.)

CODIFICATION

A prior section 634 was renumbered 635.

EFFECTIVE DATE

Section effective Oct. 1, 1979, see section 107 of Pub. L. 96-22, set out as an Effective Date of 1979 Amendment note under section 601 of this title.

§ 635. Definitions

For the purposes of this subchapter—

(1) The term "Commonwealth Army veterans" means persons who served before July 1, 1946, in the organized military forces of the Government of the Philippines, while such forces were in the service of the Armed Forces pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other compe-

tent authority in the Army of the United States, and who were discharged or released from such service under conditions other than dishonorable. The term "new Philippine Scouts" means persons who served in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945, and who were discharged or released from such service under conditions other than dishonorable.

(2) The term "service-connected disabilities" means disabilities determined by the Administrator under laws administered by the Veterans' Administration to have been incurred in or aggravated by the service described in paragraph (1) in line of duty.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1146, § 634; amended Pub. L. 89-612, § 3, Sept. 30, 1966, 80 Stat. 861, and renumbered § 635, Pub. L. 96-22, title I, § 106(a), June 13, 1979, 93 Stat. 53.)

REFERENCES IN TEXT

Section 14 of the Armed Forces Voluntary Recruitment Act of 1945, referred to in par. (1), is section 14 of act Oct. 6, 1945, ch. 393, 59 Stat. 543, which enacted section 637 of former Title 10, Army and Air Force, and was omitted from the Code in the revision and reenactment of Title 10, Armed Forces, by act Aug. 10, 1956, ch. 1041, 70A Stat. 1.

SUBCHAPTER V—PAYMENTS TO STATE HOMES

§ 641. Criteria for payment

(a) The Administrator shall pay each State at the per diem rate of—

(1) $6.35 for domiciliary care,

(2) $12.10 for nursing home care, and

(3) $13.25 for hospital care,

for each veteran receiving such care in a State home, if such veteran is eligible for such care in a Veterans' Administration facility.

(b) In no case shall the payments made with respect to any veteran under this section exceed one-half of the cost of the veterans' care in such State home.

(As amended Pub. L. 96-151, title I, § 101(b)(1), Dec. 20, 1979, 93 Stat. 1092.)

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-151 substituted "$6.35" for "$5.50", "$12.10" for "$10.50", and "$13.25" for "$11.50".

EFFECTIVE DATE OF 1979 AMENDMENT

Section 101(b)(2) of Pub. L. 96-151 provided that: "The amendments made by paragraph (1) [amending subsec. (a) of this section] shall take effect on January 1, 1980, but, with respect to fiscal year 1980, shall take effect only to such extent and in such amounts as may be specifically provided for such purpose in appropriation Acts."

[§ 644. Repealed. Pub. L. 95-62, § 2, July 5, 1977, 91 Stat. 262]

Section, added Pub. L. 91-178, § 2(a), Dec. 30, 1969, 83 Stat. 836, and amended Pub. L. 93-82, title IV, § 403(b), Aug. 2, 1973, 87 Stat. 196, authorized appropriations to be used for making grants to States which had submitted and had approved applications for assistance in remodeling, modification, or alteration of existing hospital or domiciliary facilities in State homes providing care and treatment for veterans. See section 5033 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1977, but with provision for the continuing force and effect of the terms and conditions of grants made prior to Oct. 1, 1977, under this section and with additional provision for the modification of the terms and conditions of both grants made under this section prior to Oct. 1, 1977, and of grants made under subchapter III of chapter 81 [section 5031 et seq.] of this title prior to Oct. 1, 1977, see section 5 of Pub. L. 95-62, set out as an Effective Date of 1977 Amendment note under section 5031 of this title.

SUBCHAPTER VII—PREVENTIVE HEALTH-CARE SERVICES PILOT PROGRAM

§ 661. Purpose

The purpose of this subchapter is to provide for a preventive health-care services pilot program under which the Administrator may attempt to (1) ensure the best possible health care for certain veterans with service-connected disabilities rated at 50 per centum or more and for certain veterans being furnished treatment involving a service-connected disability under this chapter, by furnishing to such veterans feasible and appropriate preventive health-care services, and (2) determine the cost-effectiveness and medical advantages of furnishing such preventive health-care services.

(Added Pub. L. 96-22, title I, § 105(a), June 13, 1979, 93 Stat. 52.)

EFFECTIVE DATE

Subchapter effective Oct. 1, 1979, see section 107 of Pub. L. 96-22, set out as an Effective Date of 1979 Amendment note under section 601 of this title.

§ 662. Definition

For the purposes of this subchapter, the term "preventive health-care services" means—

(1) periodic medical and dental examinations;

(2) patient health education (including nutrition education);

(3) maintenance of drug use profiles, patient drug monitoring, and drug utilization education;

(4) mental health preventive services;

(5) substance abuse prevention measures;

(6) immunizations against infectious disease;

(7) prevention of musculoskeletal deformity or other gradually developing disabilities of a metabolic or degenerative nature;

(8) genetic counseling concerning inheritance of genetically determined diseases;

(9) routine vision testing and eye care services;

(10) periodic reexamination of members of likely target populations (high-risk groups) for selected diseases and for functional decline of sensory organs, together with attendant appropriate remedial intervention; and

(11) such other health-care services as the Administrator may determine to be necessary to provide effective and economical preventive health care.

(Added Pub. L. 96-22, title I, § 105(a), June 13, 1979, 93 Stat. 52.)

§ 663. Preventive health-care services

(a)(1) In order to carry out the purpose of this subchapter, the Administrator, within the limits of Veterans' Administration facilities and in accordance with regulations which the Administrator shall prescribe, may furnish to any veteran described in section 612(f)(2) of this title, and to any veteran receiving care and treatment under this chapter involving a service-connected disability, such preventive health-care services as the Administrator determines are feasible and appropriate.

(2) In connection with preventive health-care services furnished under paragraph (1) of this subsection, the Administrator, in accordance with regulations which the Administrator shall prescribe, may institute appropriate controls and carry out followup studies (including research) to determine the medical advantages and cost-effectiveness of furnishing such preventive health-care services.

(b) In carrying out the pilot program provided for by this subchapter, the Administrator may not furnish preventive health-care services after September 30, 1984.

(c) In carrying out this subchapter, the Administrator shall emphasize the utilization of interdisciplinary health-care teams composed of various professional and paraprofessional personnel.

(d) In carrying out the program provided for in this subchapter, the Administrator may not expend more than $10,000,000 in fiscal year 1980, more than $12,000,000 in fiscal year 1981, more than $13,000,000 in fiscal year 1982, more than $14,000,000 in fiscal year 1983, or more than $15,000,000 in fiscal year 1984.

(Added Pub. L. 96-22, title I, § 105(a), June 13, 1979, 93 Stat. 52, and amended Pub. L. 96-128, title V, § 501(d), Nov. 28, 1979, 93 Stat. 987.)

AMENDMENTS

1979—Subsec. (d). Pub. L. 96-128 substituted "carrying" for "order to carry".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-128 effective Nov. 28, 1979, see section 601(b) of Pub. L. 96-128 set out as an Effective Date of 1979 Amendment note under section 314 of this title.

§ 664. Reports

The Administrator shall include in the annual report to the Congress required by section 214 of this title a comprehensive report on the administration of this subchapter, including such recommendations for additional legislation as the Administrator considers necessary.

(Added Pub. L. 96-22, title I, § 105(a), June 13, 1979, 93 Stat. 53.)

CHAPTER 19—INSURANCE

SUBCHAPTER I—NATIONAL SERVICE LIFE INSURANCE

Sec.
726. Authority for higher interest rates for amounts payable to beneficiaries.

SUBCHAPTER II—UNITED STATES GOVERNMENT LIFE INSURANCE

761. Authority for higher interest rates for amounts payable to beneficiaries.

AMENDMENTS

1979—Pub. L. 96-128, title III, §§ 302(b), 303(b), Nov. 28, 1979, 93 Stat. 986, added items 726 and 761.

SUBCHAPTER I—NATIONAL SERVICE LIFE INSURANCE

§ 702. Premium rates and policy values

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 726 of this title.

§ 718. Assignments

[*See main edition for text of* (a)]

(b) Except as to insurance granted under the provisions of section 722(b) of this title, any person to whom insurance maturing on or after the date of enactment of this sentence is payable may assign all or any portion of such person's interest in such insurance to a widow, widower, child, father, mother, grandfather, grandmother, brother, or sister of the insured when the designated contingent beneficiary, if any, joins the beneficiary in the assignment. Such joinder shall not be required in any case in which the insurance proceeds are payable in a lump sum.

(As amended Pub. L. 96-128, title III, § 304, Nov. 28, 1979, 93 Stat. 986.)

AMENDMENTS

1979—Subsec. (b). Pub. L. 96-128 substituted "such person's" for "his".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-128 effective Nov. 28, 1979, see section 601(b) of Pub. L. 96-128 set out as an Effective Date of 1979 Amendment note under section 314 of this title.

§ 723. Veterans' Special Life Insurance

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 704, 726 of this title.

§ 725. Limited period for acquiring insurance

[*See main edition for text of* (a)]

(b) If, notwithstanding the applicant's service-connected disability, he is insurable according to the standards of good health established by the Administrator, the insurance granted under this section shall be issued upon the same terms and conditions as are contained in the standard policies of National Service Life Insurance except (1) five-year level premium term insurance may not be issued; (2) the net premium rates shall be based on the 1958 Com-

missioners Standard Ordinary Basic Mortality Table, increased at the time of issue by such an amount as the Administrator determines to be necessary for sound actuarial operations, and thereafter such premiums may be adjusted as the Administrator determines to be so necessary but at intervals of not less than two years; (3) an additional premium to cover administrative costs to the Government as determined by the Administrator at times of issue shall be charged for insurance issued under this subsection and for any total disability income provision attached thereto, and thereafter such costs may be adjusted as the Administrator determines to be necessary but at intervals of not less than five years; (4) all cash, loan, extended and paid-up insurance values shall be based on the 1958 Commissioners Standard Ordinary Basic Mortality Table; (5) all settlements on policies involving annuities shall be calculated on the basis of The Annuity Table for 1949; (6) all calculations in connection with insurance issued under this subsection shall be based on interest at the rate of 3½ per centum per annum; and (7) the insurance shall include such other changes in terms and conditions as the Administrator determines to be reasonable and practicable.

(c) If the applicant's service-connected disability or disabilities render him uninsurable according to the standards of good health established by the Administrator, or if the applicant has a non-service-connected disability which renders him uninsurable according to the standards of good health established by the Administrator and such person establishes to the satisfaction of the Administrator that he is unable to obtain commercial life insurance at a substandard rate and such uninsurability existed as of the date of approval of this section, the insurance granted under this section shall be issued upon the same terms and conditions as are contained in standard policies of National Service Life Insurance, except (1) five-year level premium term insurance may not be issued; (2) the premiums charged for the insurance issued under this subsection shall be increased at the time of issue by such an amount as the Administrator determines to be necessary for sound actuarial operations and thereafter such premiums may be adjusted from time to time as the Administrator determines to be necessary; for the purpose of any increase at time of issue or later adjustment the service-connected group and the non-service-connected group may be separately classified; (3) an additional premium to cover administrative costs to the Government as determined by the Administrator at the time of issue shall be charged for insurance issued under this subsection and for any total disability income provision attached thereto (for which the insured may subsequently become eligible) and thereafter such costs may be adjusted as the Administrator determines to be necessary but at intervals of not less than five years and for this purpose the service-connected and non-service-connected can be separately classified; (4) all settlements on policies involving annuities shall be calculated on the basis of The Annuity Table for 1949; (5) all calculations in connection with insurance issued under this subsection shall be based on interest at the rate of 3½ per centum per annum; and (6) the insurance shall include such other changes in terms and conditions as the Administrator determines to be reasonable and practicable.

(d)(1) All premiums and collections on insurance issued pursuant to this section and any total disability income provision attached thereto shall be credited to the Veterans Reopened Insurance Fund, a revolving fund established in the Treasury of the United States, and all payments on such insurance and any total disability provision attached thereto, including payments of dividends and refunds of unearned premiums, shall be made from that fund and the interest earned on the assets of that fund. For actuarial and accounting purposes, the assets and liabilities (including liabilities for repayment of advances hereinafter authorized, and adjustment of premiums) attributable to the insured groups established under this section shall be separately determined. Such amounts in the Veterans Special Term Insurance Fund in the Treasury, not exceeding $1,650,000 in the aggregate, as may hereafter be determined by the Administrator to be in excess of the actuarial liabilities of that fund, including contingency reserves, shall be available for transfer to the Veterans Reopened Insurance Fund as needed to provide initial capital. Any amounts so transferred shall be repaid to the Treasury over a reasonable period of time with interest as determined by the Secretary of the Treasury taking into consideration the average yield on all marketable interest-bearing obligations of the United States of comparable maturities then forming a part of the public debt.

[*See main edition for text of (2) and (3); (e) and (f)*]

(As amended Pub. L. 96-128, title III, § 301, Nov. 28, 1979, 93 Stat. 985.)

AMENDMENTS

1979—Subsec. (b). Pub. L. 96-128, § 301(a), struck out cl. (8), requiring the insurance and any attached total disability income provision to be on a nonparticipatory basis.

Subseç. (c). Pub. L. 96-128, § 301(b), struck out cl. (4), requiring the insurance and any attached total disability income provision to be on a nonparticipatory basis, and redesignated former cls. (5) to (7) as (4) to (6), respectively.

Subsec. (d)(1). Pub. L. 96-128, § 301(c), added provisions respecting payments of dividends and refunds of unearned premiums from the fund, and interest earned on the assets of the fund.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-128 effective Nov. 28, 1979, see section 601(b) of Pub. L. 96-128 set out as an Effective Date of 1979 Amendment note under section 314 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 704, 726 of this title.

§ 726. Authority for higher interest rates for amounts payable to beneficiaries

Notwithstanding sections 702, 723, and 725 of this title, if the beneficiary of an insurance policy receives the proceeds of such policy under a settlement option under which such proceeds are paid in equal monthly installments over a limited period of months, the interest that may be added to each such installment may be at a rate that is higher than the interest rate prescribed in the appropriate section of this subchapter. The Administrator may from time to time establish a higher interest rate under the preceding sentence only in accordance with a determination that such higher rate is administratively and actuarially sound for the program of insurance concerned. Any such higher interest rate shall be paid on the unpaid balance of such monthly installments.

(Added Pub. L. 96-128, title III, § 302(a), Nov. 28, 1979, 93 Stat. 986.)

EFFECTIVE DATE

Section effective Nov. 28, 1979, see section 601(b) of Pub. L. 96-128, set out as an Effective Date of 1979 Amendment note under section 314 of this title.

SUBCHAPTER II—UNITED STATES GOVERNMENT LIFE INSURANCE

§ 744. Policy provisions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 761 of this title.

§ 753. Assignments

Any person to whom United States Government life insurance shall be payable may assign such person's interest in such insurance to the spouse, child, grandchild, parent, brother, sister, uncle, aunt, nephew, niece, brother-in-law, or sister-in-law of the insured. Insofar as applicable, the definitions contained in section 3 of the World War Veterans' Act, 1924, in effect on December 31, 1958, shall apply to this section.

(As amended Pub. L. 96-128, title III, § 304, Nov. 28, 1979, 93 Stat. 986.)

AMENDMENTS

1979—Pub. L. 96-128 substituted "such person's" for "his".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-128 effective Nov. 28, 1979, see section 601(b) of Pub. L. 96-128 set out as an Effective Date of 1979 Amendment note under section 314 of this title.

§ 761. Authority for higher interest rates for amounts payable to beneficiaries

Notwithstanding section 744(b) of this title, if the beneficiary of an insurance policy issued under the provisions of this subchapter receives the proceeds of such policy under a settlement option under which such proceeds are paid in equal monthly installments over a limited period of months, the interest that may be added to each such installment may be at a rate that is higher than the interest rate prescribed in such section. The Administrator may from time to time establish a higher interest rate under the preceding sentence only in accordance with a determination that such higher rate is administratively and actuarially sound. Any such higher interest rate shall be paid on the unpaid balance of such monthly installments.

(Added Pub. L. 96-128, title III, § 303(a), Nov. 28, 1979, 93 Stat. 986.)

EFFECTIVE DATE

Section effective Nov. 28, 1979, see section 601(b) of Pub. L. 96-128, set out as an Effective Date of 1979 Amendment note under section 314 of this title.

§ 774. Advisory Council on Servicemen's Group Life Insurance

CHANGE OF NAME

The Secretary of Health, Education, and Welfare was redesignated the Secretary of Health and Human Services by section 3508 of Title 20, Education.

CHAPTER 21—SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS

§ 801. Veterans eligible for assistance

The Administrator is authorized, under such regulations as he may prescribe, to assist any veteran, who is entitled to compensation under chapter 11 of this title, based on service after April 20, 1898, for permanent and total service-connected disability—

[*See main edition for text of (1) and (2)*]

(3) due to the loss or loss of use of one lower extremity together with (A) residuals of organic disease or injury, or (B) the loss or loss of use of one upper extremity, which so affect the functions of balance or propulsion as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair,

in acquiring a suitable housing unit with special fixtures or movable facilities made necessary by the nature of the veteran's disability, and necessary land therefor. The regulations of the Administrator shall include, but not be limited to, provisions requiring findings that (1) it is medically feasible for such veteran to reside in the proposed housing unit and in the proposed locality; (2) the proposed housing unit bears a proper relation to the veteran's present and anticipated income and expenses; and (3) the nature and condition of the proposed housing unit are such as to be suitable to the veteran's needs for dwelling purposes.

(As amended Pub. L. 95-117, title IV, § 401, Oct. 3, 1977, 91 Stat. 1065.)

AMENDMENTS

1978—Pub. L. 95-117 in cl. (3) added reference to the loss or the loss of use of one upper extremity and reference to braces, crutches, and canes.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-117 effective on Oct. 1, 1977, see section 501 of Pub. L. 95-117, set out as an Effective Date of 1977 Amendment note under section 314 of this title.

§ 802. Limitations on assistance furnished

The assistance authorized by section 801 of this title shall be limited in the case of any veteran to one housing unit, and necessary land therefor, and shall be afforded under one of the following plans, at the option of the veteran but shall not exceed $30,000 in any one case—

[*See main edition for text of (1) to (4)*]

(As amended Pub. L. 95-476, title I, § 101, Oct. 18, 1978, 92 Stat. 1497.)

AMENDMENTS

1978—Pub. L. 95-476 substituted "$30,000" for "$25,000".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment of this section by Pub. L. 95-476 effective Oct. 1, 1978, see section 108(a) of Pub. L. 95-476, set out as an Effective Date of 1978 Amendment note under section 1802 of this title.

CHAPTER 23—BURIAL BENEFITS

§ 902. Funeral expenses

(a) Where a veteran dies—

[*See main edition for text of (1) and (2)*]

the Administrator, in the Administrator's discretion, having due regard to the circumstances in each case, may pay a sum not exceeding $300 to such person as the Administrator prescribes to cover the burial and funeral expenses of the deceased veteran and the expense of preparing the body and transporting it to the place of burial. For the purpose of this subsection, the term "veteran" includes a person who died during a period deemed to be active military, naval, or air service under section 106(c) of this title.

(b) Except as hereafter provided in this subsection, no deduction shall be made from the burial allowance because of the veteran's net assets at the time of the death of such veteran, or because of any contribution from any source toward the burial and funeral expenses (including transportation) unless the amount of expenses incurred is covered by the amount actually paid therefor by the United States, a State, any agency or political subdivision of the United States or of a State, or the employer of the deceased veteran. No claim shall be allowed (1) for more than the difference between the entire amount of the expenses incurred and the amount paid by any or all of the foregoing, or (2) when the burial allowance would revert to the funds of a public or private organization or would discharge such an organization's obligation without payment. The burial allowance or any part thereof shall not be paid in any case where specific provision is otherwise made for payment of expenses of funeral, transportation, and interment under any other Act.

(As amended Pub. L. 95-476, title II, § 203(b), Oct. 18, 1978, 92 Stat. 1506, Pub. L. 95-479, title III, § 303(a), Oct. 18, 1978, 92 Stat. 1565.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-479 increased the funeral allowance from $250 to $300.

Pub. L. 95-476, § 203(b)(1), (2), substituted "in the Administrator's discretion" and "as the Administrator prescribes" for "in his discretion" and "as he prescribes", respectively.

Subsec. (b). Pub. L. 95-476, § 203(b)(3), substituted "the death of such veteran" for "his death".

EFFECTIVE DATE OF 1978 AMENDMENTS

Amendment by Pub. L. 95-479 effective Oct. 1, 1978, see section 401(a) of Pub. L. 95-479, set out as an Effective Date of 1978 Amendment note under section 314 of this title.

Amendment of section by Pub. L. 95-476 effective Oct. 18, 1978, see section 205(a) of Pub. L. 95-476, set out as an Effective Date of 1978 Amendment note under section 903 of this title.

§ 903. Death in Veterans' Administration facility; plot allowance

(a) Where death occurs in a Veterans' Administration facility to which the deceased was properly admitted for hospital, nursing home, or domiciliary care under section 610 or 611(a) of this title, the Administrator—

(1) shall pay the actual cost (not to exceed $300) of the burial and funeral or, within such limits, may make contracts for such services without regard to the laws requiring advertisement for proposals for supplies and services for the Veterans' Administration; and

(2) shall, when such a death occurs in a State, transport the body to the place of burial in the same or any other State.

(b) In addition to the benefits provided for under section 902 of this title and subsection (a) of this section, in the case of a veteran who is eligible for a burial allowance under such section 902, or under such subsection, and who is not buried in a national cemetery or other cemetery under the jurisdiction of the United States—

(1) if such veteran is buried (without charge for the cost of a plot or interment) in a cemetery, or a section of a cemetery, that (A) is used solely for the interment of persons eligible for burial in a national cemetery, and (B) is owned by a State or by an agency or political subdivision of a State, the Administrator shall pay to such State, agency, or political subdivision the sum of $150 as a plot or interment allowance for such veteran; and

(2) if such veteran is buried in a cemetery, or a section of a cemetery, other than as described in clause (1) of this subsection, the Administrator shall pay a sum not exceeding $150 as a plot or interment allowance to such person as the Administrator prescribes, except that if any part of the plot or interment costs of a burial to which this clause applies has been paid or assumed by a State, an agency or political subdivision of a State, or a former employer of the deceased veteran, no claim for such allowance shall be allowed for more than the difference between the entire amount of the expenses incurred and the amount paid or assumed by any or all of the foregoing entities.

(As amended Pub. L. 95-476, title II, § 202(a), Oct. 18, 1978, 92 Stat. 1503; Pub. L. 95-479, title III, § 303(a), Oct. 18, 1978, 92 Stat. 1565.)

AMENDMENTS

1978—Subsec. (a)(1). Pub. L. 95-479 increased from $250 to $300 the maximum which the Administrator shall pay for the actual cost of the funeral.

Subsec. (b). Pub. L. 95-476 substituted provisions requiring the Administrator to pay an interment allowance of $150 to a State or an agency or subdivision of a State, for burial of an eligible veteran in a cemetery, reserved for the burial of persons eligible for burial in a national cemetery, owned by the State or such agency or political subdivision, or to any person prescribed by the Administrator for burial of an eligible veteran in a cemetery other than one so reserved for provisions authorizing the Administrator in his discretion to pay up to $150 as an interment allowance to any person he prescribed.

EFFECTIVE DATE OF 1978 AMENDMENTS

Amendment by Pub. L. 95-479 effective Oct. 1, 1978, see section 401(a) of Pub. L. 95-479, set out as an Effective Date of 1978 Amendment note under section 314 of this title.

Section 205 of Pub. L. 95-476 provided that:

"(a) Except as provided in subsection (b), the amendments made by this title [enacting section 1008 of this title and amending sections 902, 906, and 1798 of this title] shall take effect on the date of the enactment of this Act [Oct. 18, 1978].

"(b) The amendment made by section 202(a) of this title [amending this section] shall take effect on October 1, 1978."

§ 906. Headstones and markers

[See main edition for text of (a)]

(b) The Administrator shall furnish, when requested, an appropriate memorial headstone or marker to commemorate any veteran whose remains have not been recovered or identified or were buried at sea, for placement by the applicant in a national cemetery area reserved for such purposes under the provisions of section 1003 of this title, or in any private or local cemetery.

(c) A headstone or marker furnished under subsection (a) or (b) of this section may be of any material, including but not limited to marble, granite, bronze, or slate, requested by the person entitled to request such headstone or marker if the material requested is determined by the Administrator (1) to be cost effective, and (2) in a case in which the headstone or marker is to be placed in a national cemetery, to be aesthetically compatible with the area of the cemetery in which it is to be placed.

(d) In lieu of furnishing a headstone or marker under subsection (a)(2) or (b) of this section, the Administrator, in the Administrator's discretion, having due regard for the circumstances in each case, may reimburse the person entitled to request such headstone or marker for the actual costs incurred by or on behalf of such person in acquiring a non-Government headstone or marker for placement in any cemetery other than a national cemetery in connection with the burial or memorialization of the deceased individual. Reimbursement under the preceding sentence may be made only upon the request of the person entitled to request the headstone or marker and may not be made in an amount in excess of the average actual cost, as determined by the Administrator, of headstones and markers furnished under subsections (a) and (b) of this section.

(As amended Pub. L. 95-476, title II, § 203(a), Oct. 18, 1978, 92 Stat. 1505; Pub. L. 95-479, title III, § 303(b), Oct. 18, 1978, 92 Stat. 1565.)

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-479 struck out "dying in the service, and" following "to commemorate any veteran".

Subsecs. (c), (d). Pub. L. 95-476 added subsecs. (c) and (d).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-479 effective Oct. 1, 1978, see section 401(a) of Pub. L. 95-479, set out as an Effective Date of 1978 Amendment note under section 314 of this title.

Amendment of section by Pub. L. 95-476 effective Oct. 18, 1978, see section 205(a) of Pub. L. 95-476, set out as an Effective Date of 1978 Amendment note under section 903 of this title.

§ 907. Death from service-connected disability

In any case in which a veteran dies as the result of a service-connected disability or disabilities, the Administrator, upon the request of the survivors of such veteran, shall pay the burial and funeral expenses incurred in connection with the death of the veteran in an amount not exceeding the greater of (1) $1,100, or (2) the amount authorized to be paid under section 8134(a) of title 5 in the case of a Federal employee whose death occurs as the result of an injury sustained in the performance of duty. Funeral and burial benefits provided under this section shall be in lieu of any benefits authorized under sections 902 and 903(a)(1) and (b) of this title.

(As amended Pub. L. 95-479, title III, § 303(c), Oct. 18, 1978, 92 Stat. 1565.)

AMENDMENTS

1978—Pub. L. 95-479 added "the greater of (1) $1,100, or (2)" following "not exceeding".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-479 effective Oct. 1, 1978, see section 401(a) of Pub. L. 95-479, set out as an Effective Date of 1978 Amendment note under section 314 of this title.

CHAPTER 24—NATIONAL CEMETERIES AND MEMORIALS

Sec.
1008. Aid to States for establishment, expansion, and improvement of veterans' cemeteries.

AMENDMENTS

1978—Pub. L. 95-476, title II, § 202(b)(2), Oct. 18, 1978, 92 Stat. 1505, added item 1008.

§ 1004. Administration

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1008 of this title.

§ 1008. Aid to States for establishment, expansion, and improvement of veterans' cemeteries

(a)(1) Subject to subsection (b) of this section, the Administrator may make grants to any State to assist such State in establishing, expanding, or improving veterans' cemeteries owned by such State. Any such grant may be made only upon submission of an application to the Administrator in such form and manner,

and containing such information, as the Administrator may require.

(2) There is authorized to be appropriated $5,000,000 for fiscal year 1980 and for each of the four succeeding fiscal years for the purpose of making grants under paragraph (1) of this subsection.

(b) Grants under this section shall be subject to the following conditions:

(1) No State may receive grants under this section in any fiscal year in a total amount in excess of 20 per centum of the total amount appropriated for such grants for such fiscal year.

(2) The amount of any grant under this section may not exceed an amount equal to 50 per centum of the total of the value of the land to be acquired or dedicated for the cemetery and the cost of the improvements to be made on such land, with the remaining amount to be contributed by the State receiving the grant.

(3) If at the time of a grant under this section the State receiving the grant dedicates for the purposes of the cemetery involved land already owned by the State, the value of such land may be considered in determining the amount of the State's contribution under paragraph (2) of this subsection, but the value of such land may not be used for more than an amount equal to 50 per centum of the amount of such contribution and may not be used as part of such State's contribution for any subsequent grant under this section.

(4) If a State that has received a grant under this section to establish, expand, or improve a veterans' cemetery ceases to own such cemetery, ceases to operate such cemetery as a veterans' cemetery, or uses any part of the funds provided through such grant for a purpose other than that for which the grant was made, the United States shall be entitled to recover from such State the total of all grants made under this section to such State in connection with such cemetery.

(c)(1) In addition to the conditions specified in subsection (b) of this section, any grant to a State under this section to assist such State in establishing a veterans' cemetery shall be made on the condition that such cemetery shall conform to such standards and guidelines relating to site selection, planning, and construction as the Administrator may by regulation prescribe. In prescribing regulations for the purposes of the preceding sentence, the Administrator shall take into account the standards and guidelines for site selection, planning, and construction that are applicable to cemeteries in the National Cemetery System, including those provided in subsections (b), (c), and (d) of section 1004 of this title.

(2) The Administrator may by regulation prescribe such additional terms and conditions for grants under this section as the Administrator considers appropriate.

(d) Sums appropriated under subsection (a) of this section shall remain available until the end of the second fiscal year following the fiscal year for which they are appropriated. If all funds from a grant under this section have not been utilized by a State for the purpose for which the grant was made within three years after such grant is made, the United States shall be entitled to recover any such unused grant funds from such State.

(Added Pub. L. 95-476, title II, § 202(b)(1), Oct. 18, 1978, 92 Stat. 1504.)

EFFECTIVE DATE

Section effective Oct. 18, 1978, see section 205(a) of Pub. L. 95-476, set out as an Effective Date of 1978 Amendment note under section 903 of this title.

PART III—READJUSTMENT AND RELATED BENEFITS

CHAPTER 31—VOCATIONAL REHABILITATION

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 101, 106, 109, 243, 246, 351, 601, 618, 628, 1673, 1682A, 1685, 1698, 1779, 1780, 1790, 1792, 1793, 1795, 2013, 3013, 3107 of this title; title 5 section 8525; title 20 section 1070e-1; title 26 section 51; title 29 section 802.

§ 1501. Definitions

VOCATIONAL REHABILITATION STUDY; REPORT NOT LATER THAN MARCH 1, 1978

Pub. L. 95-202, title III, § 307, Nov. 23, 1977, 91 Stat. 1445, which provided that the Administrator of Veterans' Affairs, in consultation with the Commissioner of Rehabilitation Services, conduct a study including the Administrator's recommendations with respect to legislative or administrative changes in this chapter, the need for the services of vocational rehabilitation specialists to provide trainees under this chapter with appropriate job development and job placement, and for utilizing the veterans education programs provided by chapters 32 to 36 of this title, and that a report of such study be submitted to the President and the Congress not later than Mar. 1, 1978, was omitted from the Code as executed.

§ 1504. Subsistence allowances

[*See main edition for text of* (a)]

(b) The subsistence allowance of a veteran-trainee is to be determined in accordance with the following table, and shall be the monthly amount shown in column II, III, IV, or V (whichever is applicable as determined by the veteran's dependency status) opposite the appropriate type of training as specified in column I:

Column I	Column II	Column III	Column IV	Column V
Type of training	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional:				
Full-time	$241	$298	$351	$26
Three-quarter-time	181	224	263	19
Half-time	120	149	176	13
Farm cooperative, apprentice, or other on-job training:				
Full-time	210	254	293	19

[See main edition for text of (c) and (d)]

(As amended Pub. L. 95-202, title I, § 101, Nov. 23, 1977, 91 Stat. 1433.)

AMENDMENTS

1977—Subsec. (b). Pub. L. 95-202 increased the monthly subsistence allowance of a veteran trainee in column II from $226, $170, $113, and $197 to $241, $181, $120, and $210; in column III from $280, $210, $140, and $238 to $298, $224, $149, and $254; in column IV from $329, $247, $165, and $275 to $351, $263, $176, and $293; in column V from $24, $18, $12, and $18 to $26, $19, $13, and $19, respectively.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective retroactively to Oct. 1, 1977, see section 501 of Pub. L. 95-202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

§ 1511. Training and training facilities

TRANSFER OF FUNCTIONS

All functions vested by statute in the United States Civil Service Commission were transferred to the Director of the Office of Personnel Management (except as otherwise specified) by Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

CHAPTER 32—POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1673, 1682A, 1774, 1790 of this title.

CHAPTER 34—VETERANS' EDUCATIONAL ASSISTANCE

SUBCHAPTER IV—PAYMENTS TO ELIGIBLE VETERANS; VETERAN-STUDENT SERVICES

Sec.
1682A. Accelerated payment of educational assistance allowances.

AMENDMENTS

1977—Pub. L. 95-202, title II, § 201(c)(1), Nov. 23, 1977, 91 Stat. 1438, added item 1682A.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 101, 111, 243, 246, 521, 618, 1502, 1685, 1698, 1770, 1771, 1772, 1773, 1774, 1780, 1781, 1782, 1783, 1784, 1785, 1787, 1788, 1789, 1790, 1792, 1793, 1794, 1795, 1796, 2013, 3013, 3107, 4114 of this title; title 20 section 1070e-1; title 29 section 802.

SUBCHAPTER I—PURPOSE; DEFINITIONS

§ 1652. Definitions

TRANSFER OF FUNCTIONS

For transfer of functions and offices (relating to education) of the Secretary and Department of Health, Education, and Welfare to the Secretary and Department of Education, and termination of certain offices and positions, see sections 3441 and 3503 of Title 20, Education.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 243, 1661, 1786, 1787 of this title; title 20 section 1070d-1.

SUBCHAPTER II—ELIGIBILITY AND ENTITLEMENT

§ 1661. Eligibility; entitlement; duration

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1652, 1662, 1682, 1682A, 1693, 1696, 1798 of this title.

§ 1662. Time limitations for completing a program of education

Delimiting Period for Completion

(a)(1) No educational assistance shall be afforded an eligible veteran under this chapter beyond the date 10 years after the veteran's last discharge or release from active duty after January 31, 1955; except that, in the case of any eligible veteran who was prevented from initiating or completing such veteran's chosen program of education within such time period because of a physical or mental disability which was not the result of such veteran's own willful misconduct, such veteran shall, upon application, be granted an extension of the applicable delimiting period for such length of time as the Administrator determines, from the evidence, that such veteran was prevented from initiating or completing such program of education.

(2)(A) Notwithstanding the provisions of paragraph (1) of this subsection, any veteran shall be permitted to use any of such veteran's unused entitlement under section 1661 of this title for the purposes of eligibility for an education loan, pursuant to the provisions of subchapter III of chapter 36 of this title, after the delimiting date otherwise applicable to such veteran under such paragraph (1), if such veteran was pursuing an approved program of education on a full-time basis at the time of the expiration of such veteran's eligibility.

(B) Notwithstanding any other provision of this chapter or chapter 36 of this title, any veteran whose delimiting period is extended under subparagraph (A) of this paragraph may continue to use any unused loan entitlement under this paragraph as long as the veteran continues to be enrolled on a full-time basis in pursuit of the approved program of education in which such veteran was enrolled at the time of expiration of such veteran's eligibility (i) until such entitlement is exhausted, (ii) until the expiration of two years after the date of enactment of this paragraph or the date of the expiration of the delimiting date otherwise applicable to such veteran under paragraph (1) of this subsection, whichever is later, or (iii) until such veteran has completed the approved program of education in which such veteran was enrolled at the end of the delimiting period referred to in paragraph (1) of this subsection, whichever occurs first.

[*See main edition for text of (b) to (e)*]

(As amended Pub. L. 95-202, title II, § 203(a)(1), (b)(1), Nov. 23, 1977, 91 Stat. 1439.)

REFERENCES IN TEXT

Two years after the date of enactment of this paragraph, referred to in subsec. (a)(2)(B), means two years after Nov. 23, 1977, the date of approval of Pub. L. 95-202 which enacted such paragraph.

AMENDMENTS

1977—Subsec. (a). Pub. L. 95-202 designated existing provisions as par. (1), added par. (2), and added "except that, in the case of any eligible veteran who was prevented from initiating or completing such veteran's chosen program of education within such time period because of a physical or mental disability which was not the result of such veteran's own willful misconduct, such veteran shall, upon application, be granted an extension of the applicable delimiting period for such length of time as the Administrator determines, from the evidence, that such veteran was prevented from initiating or completing such program of education" following "active duty after January 31, 1955" in par. (1) as so redesignated.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective retroactively to May 31, 1976, see section 501 of Pub. L. 95-202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1712, 1798 of this title; title 20 section 1070e-1.

§ 1663. Educational and vocational counseling

The Administrator shall make available to any eligible veteran, upon such veteran's request, counseling services, including such educational and vocational counseling and guidance, testing, and other assistance as the Administrator deems necessary to aid such veteran in selecting (1) an educational or training objective and an educational institution or training establishment appropriate for the attainment of such objective, or (2) an employment objective that would be likely to provide such veteran with satisfactory employment opportunities in light of such veteran's personal circumstances. At such intervals as the Administrator deems necessary, the Administrator shall make available information respecting the need for general education and for trained personnel in the various crafts, trades, and professions. Facilities of other Federal agencies collecting such information shall be utilized to the extent the Administrator deems practicable. The Administrator shall take appropriate steps (including individual notification where feasible) to acquaint all eligible veterans with the availability and advantages of such counseling services.

(As amended Pub. L. 95-202, title III, § 302(a), Nov. 23, 1977, 91 Stat. 1440.)

AMENDMENTS

1977—Pub. L. 95-202 substituted "The Administrator shall make available to any eligible veteran, upon such veteran's request, counseling services, including such educational and vocational counseling and guidance, testing, and other assistance as the Administrator deems necessary to aid such veteran in selecting (1) an educational or training objective and an educational institution or training establishment appropriate for the attainment of such objective, or (2) an employment objective that would be likely to provide such veteran with satisfactory employment opportunities in light of such veteran's personal circumstances" for "The Administrator may arrange for educational and vocational counseling for veterans eligible for educational assistance under this chapter" and added provisions directing the Administrator to acquaint all eligible veterans with the availability and advantages of counseling services.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective on the first day of the first month beginning 60 days after Nov. 23, 1977, see section 501 of Pub. L. 95-202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

SUBCHAPTER III—ENROLLMENT

§ 1673. Disapproval of enrollment in certain courses

[*See main edition for text of (a) to (c)*]

(d) The Administrator shall not approve the enrollment of any eligible veteran, not already enrolled, in any course (other than one offered pursuant to subchapter V, any farm cooperative training course, or any course described in section 1789(b)(6) of this title) for any period during which the Administrator finds that more than 85 per centum of the students enrolled in the course are having all or part of their tuition, fees, or other charges paid to or for them by the educational institution, by the Veterans' Administration under this title and/or by grants from any Federal agency. The Administrator may waive the requirements of this subsection, in whole or in part, if the Administrator determines, pursuant to regulations which the Administrator shall prescribe, it to be in the interest of the eligible veteran and the Federal Government. The provisions of this subsection shall not apply to any course offered by an educational institution if the total number of veterans and persons receiving assistance under this chapter or chapter 31, 32, 35, or 36 of this title who are enrolled in such institution equals 35 per centum or less, or such other per centum as the Administrator prescribes in regulations, of the total student enrollment at such institution (computed separately for the main campus and any branch or extension of such institution), except that the Administrator may apply the provisions of this subsection with respect to any course in which the Administrator has reason to believe that the enrollment of such veterans and persons may be in excess of 85 per centum of the total student enrollment in such course.

(As amended Pub. L. 95-202, title III, § 305(a)(2), Nov. 23, 1977, 91 Stat. 1443.)

AMENDMENTS

1977—Subsec. (d). Pub. L. 95-202 added requirement that the determination of the Administrator be made

pursuant to regulations prescribed by the Administrator and that the provisions of this subsection not apply to any course offered by an educational institution if the total number of veterans and persons receiving assistance under this chapter or chapter 31, 32, 35, or 36 of this title who are enrolled in such institution equals 35 per centum or less, or such other per centum as the Administrator prescribes in regulations, of the total student enrollment at such institution (computed separately for the main campus and any branch or extension of such institution), except that the Administrator may apply the provisions of this subsection with respect to any course in which the Administrator has reason to believe that the enrollment of such veterans and persons may be in excess of 85 per centum of the total student enrollment in such course.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–202 effective on the first day of the first month beginning 60 days after Nov. 23, 1977, see section 501 of Pub. L. 95–202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

STUDY OF NEED FOR COMPUTING PERCENTAGE OF STUDENTS ENROLLED IN COURSES AT EDUCATIONAL INSTITUTIONS RECEIVING FEDERAL GRANTS

Section 305(a)(3) of Pub. L. 95–202 provided that: "The Administrator of Veterans' Affairs, in consultation with other appropriate departments and agencies, shall conduct a study to examine the need for computing, under section 1673(d) of title 38, United States Code, the percentage of those students enrolled in courses at educational institutions who are in receipt of grants from any Federal department or agency, and the problems of such institutions in making such latter computations, and shall, not later than September 30, 1978, submit a report to the Congress indicating whether such computations are needed and prescribing in detail an adequate system for making such computations. Until the expiration of six months after the date of submission of such report and until such time as the Administrator shall determine, based on such report, that there is an adequate and feasible system for making such computations and that it is desirable and necessary to make such computations, the Administrator shall not apply the provisions contained in section 1673(d) of title 38, United States Code, requiring educational institutions in determining compliance with such subsection to compute the numbers of students in receipt of Federal grants other than from the Veterans' Administration."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1641, 1682A of this title.

§ 1674. Discontinuance for unsatisfactory conduct or progress

The Administrator shall discontinue the educational assistance allowance of an eligible veteran if, at any time, the Administrator finds that according to the regularly prescribed standards and practices of the educational institution, the veteran's conduct or progress is unsatisfactory. Unless the Administrator finds there are mitigating circumstances, progress will be considered unsatisfactory at any time the eligible veteran is not progressing at a rate that will permit such veteran to graduate within the approved length of the course based on the training time as certified to the Veterans' Administration, or within such other length of time (exceeding such approved length) as the Administrator determines to be reasonable in accordance with regulations. The Administrator may renew the payment of the educational assistance allowance only if the Administrator finds that—

[*See main edition for text of (1) and (2)*]

(As amended Pub. L. 95–202, title III, § 305(b)(1), Nov. 23, 1977, 91 Stat. 1443.)

AMENDMENTS

1977—Pub. L. 95–202 added provisions authorizing the Administrator to determine the veteran's progress to be satisfactory even though the veteran will graduate within a length of time exceeding the approved length if the additional length of time is reasonable in accordance with regulations.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–202 effective on the first day of the first month beginning 60 days after Nov. 23, 1977, see section 501 of Pub. L. 95–202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

STUDY OF METHODS TO IMPROVE PROCESS UNDER WHICH POSTSECONDARY EDUCATIONAL INSTITUTIONS AND COURSES ARE APPROVED; REPORT BY SEPTEMBER 30, 1979; SUSPENSION OF IMPLEMENTATION OF 1976 AMENDMENT

Section 305(b)(2) to (4) of Pub. L. 95–202 provided that:

"(2) The Administrator of Veterans' Affairs, in consultation with appropriate bodies, officials, persons, departments, and agencies, shall conduct a study to investigate (A) specific methods of improving the process by which postsecondary educational institutions and courses at such institutions are and continue to be approved for purposes of chapters 32, 34, 35, and 36 of title 38, United States Code; and (B) in recognition of the importance of assuring that Federal assistance is made available to those eligible veterans and persons seriously pursuing and making satisfactory progress toward an educational or vocational objective under such chapters, the need for legislative or administrative action in regard to sections 1674 and 1724 of title 38, United States Code, and the regulations prescribed thereunder. A report of such study, together with such specific recommendations for administrative or legislative action as the Administrator deems appropriate, shall be submitted to the President and the Congress not later than September 30, 1979, except that the portion of the report of such study described in clause (B) of the preceding sentence shall be submitted not later than September 30, 1978.

"(3) For the purpose of carrying out paragraph (1) of this subsection, there are authorized to be appropriated $1,000,000.

"(4)(A) Until such time as the Administrator submits the report required under the second sentence of paragraph (2) of this subsection, the Administrator shall suspend implementation of the amendments to sections 1674 and 1724 of title 38, United States Code, made by sections 206 and 307, respectively, of Public Law 94–502, in the case of any accredited educational institution which submits to the Administrator its course catalog or bulletin and a certification that the policies and regulations described in clauses (6) and (7) of section 1776(b) [of this title] are being enforced by such institution, unless the Administrator finds, pursuant to regulations which the Administrator shall prescribe, that such catalog or bulletin fails to state fully and clearly such policies and regulations.

"(B) The Administrator shall, where appropriate, bring to the attention of the Council on Postsecondary Accreditation and the appropriate accrediting and licensing bodies such catalogs, bulletins, and certifications submitted under subparagraph (A) of this paragraph which the Administrator believes may not be in

compliance with the standards of such accrediting and licensing body."

§ 1677. Flight training

[See main edition for text of (a)]

(b) Each eligible veteran who is pursuing a program of education consisting exclusively of flight training approved as meeting the requirements of subsection (a) hereof, shall be paid an educational assistance allowance to be computed at the rate of 90 per centum of the established charges for tuition and fees which similarly circumstanced non-veterans enrolled in the same flight course are required to pay. Such allowance shall be paid monthly upon receipt of a certification as required by section 1681(c) of this title. In each such case the eligible veteran's period of entitlement shall be charged with one month for each $288 which is paid to the veteran as an educational assistance allowance for such course.

(As amended Pub. L. 95-202, title I, § 102(1), Nov. 23, 1977, 91 Stat. 1433.)

AMENDMENTS

1977—Subsec. (b). Pub. L. 95-202 substituted "$288" for "$270".

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective retroactively to Oct. 1, 1977, see section 501 of Pub. L. 95-202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

SUBCHAPTER IV—PAYMENTS TO ELIGIBLE VETERANS; VETERAN-STUDENT SERVICES

§ 1682. Computation of educational assistance allowances

(a)(1) Except as provided in subsection (b), or (c) of this section, or section 1677 or 1787 of this title, while pursuing a program of education under this chapter of half-time or more, each eligible veteran shall be paid the monthly educational assistance allowance set forth in column II, III, IV, or V (whichever is applicable as determined by the veteran's dependency status) opposite the applicable type of program as shown in column I:

Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional:				
Full-time	$311	$370	$422	$26
Three-quarter-time	233	277	317	19
Half-time	156	185	211	13
Cooperative	251	294	334	19

[See main edition for text of (2)]

(b) The educational assistance allowance of an individual pursuing a program of education—

(1) while on active duty, or

(2) on less than a half-time basis,

shall be computed at the rate of (A) the established charges for tuition and fees which the institution requires similarly circumstanced non-veterans enrolled in the same program to pay, or (B) $311 per month for a full-time course, whichever is the lesser.

(c)(1) An eligible veteran who is enrolled in an educational institution for a "farm cooperative" program consisting of institutional agricultural courses prescheduled to fall within 44 weeks of any period of 12 consecutive months and who pursues such program on—

(A) a full-time basis (a minimum of ten clock hours per week or four hundred and forty clock hours in such year prescheduled to provide not less than eighty clock hours in any three-month period),

(B) a three-quarter-time basis (a minimum of 7 clock hours per week), or

(C) a half-time basis (a minimum of 5 clock hours per week)

shall be eligible to receive an educational assistance allowance at the appropriate rate provided in the table in paragraph (2) of this subsection, if such eligible veteran is concurrently engaged in agricultural employment which is relevant to such institutional agricultural courses as determined under standards prescribed by the Administrator. In computing the foregoing clock hour requirements there shall be included the time involved in field trips and individual and group instruction sponsored and conducted by the educational institution through a duly authorized instructor of such institution in which the veteran is enrolled.

(2) The monthly educational assistance allowance of an eligible veteran pursuing a farm cooperative program under this chapter shall be paid as set forth in column II, III, IV, or V (whichever is applicable as determined by the veteran's dependency status) opposite the basis shown in column I:

Column I	Column II	Column III	Column IV	Column V
Basis	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Full-time	$251	$294	$334	$19
Three-quarter-time	188	221	251	15
Half-time	126	147	167	10

[See main edition for text of (d) and (e)]

(As amended Pub. L. 95-202, title I, § 102(2)-(4), Nov. 23, 1977, 91 Stat. 1434.)

AMENDMENTS

1977—Subsec. (a)(1). Pub. L. 95-202, § 102(2), increased the monthly educational assistance allowance

for eligible veterans in column II from $292, $219, $146, and $235 to $311, $233, $156, and $251; in column III from $347, $260, $174, and $276 to $370, $277, $185, and $294; in column IV from $396, $297, $198, and $313 to $422, $317, $211, and $334; in column V from $24, $18, $12, and $18 to $26, $19, $13, and $19, respectively.

Subsec. (b). Pub. L. 95–202, § 102(3), substituted "$311" for "$292".

Subsec. (c)(2). Pub. L. 95–202, § 102(4), increased the monthly educational assistance allowance for eligible veterans pursuing a farm cooperative program in column II from $235, $176, and $118 to $251, $188, and $126; in column III from $276, $207, and $138 to $294, $221, and $147; in column IV from $313, $235, and $157 to $334, $251, and $167; in column V from $18, $14, and $9 to $19, $15, and $10, respectively.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–202 effective retroactively to Oct. 1, 1977, see section 501 of Pub. L. 95–202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1682A, 1691, 1692, 1732, 1780 of this title.

§ 1682A. Accelerated payment of educational assistance allowances

(a) The Administrator, in accordance with the provisions of this section and section 1798(f) of this title and regulations which the Administrator shall prescribe under such sections, shall accelerate the payment of educational assistance allowances (hereinafter in this section referred to as "accelerated payment") to an eligible veteran who makes application and is eligible therefor and proportionally reduce the educational entitlement of such veteran under section 1661 of this title.

(b) An eligible veteran who makes application for accelerated payment shall be eligible for such payment in connection with each school term for which such veteran applies for such accelerated payment only if—

(1) such veteran was enrolled as a full-time student during such school term;

(2) such veteran was entitled to an educational assistance allowance under section 1661 during such school term;

(3) such veteran has received, after the date of enactment of this section, a loan for such school term pursuant to section 1798 of this title;

(4) the combined amount of tuition and fees of the educational institution in which such veteran was enrolled was in excess of $700 for such school term;

(5) the educational institution in which such veteran was enrolled has certified to the Administrator that such veteran has satisfactorily completed the program of education and attained the predetermined and identified educational, professional, or vocational objective which such veteran has been pursuing and has on such basis been awarded by such institution the appropriate educational degree, diploma, or certificate signifying such completion and attainment;

(6) such application was filed with the Administrator within 180 days after the date (A) on which the degree, diploma, or certificate described in clause (5) of this subsection has been awarded to such veteran, or (B) on which the appropriate State or local governmental unit establishes a program described in clause (8) of this subsection, whichever date is the later;

(7) the educational institution in which such veteran was enrolled has certified for such school term that 35 per centum or less (or such other per centum as the Administrator prescribes pursuant to section 1673(d) of this title) of the total number of students enrolled in such institution (computed separately for the main campus and any branch or extension of such institution pursuant to regulations prescribed by the Administrator under section 1673(d) of this title) were students receiving educational assistance benefits under this chapter or chapter 31, 32, 35, or 36 of this title; and

(8) the State (or local governmental unit with jurisdiction over the geographical area, or both such State and such unit) in which is located the educational institution in which such veteran was enrolled pays to the Veterans' Administration (for deposit in the Veterans' Administration Education Loan Fund established by section 1799 of this title) on such veteran's behalf an amount not more than the amount of accelerated payment which the Administrator is authorized to make on behalf of such veteran under this section, pursuant to a program established, within five years after the date of enactment of this section, by such State (or unit or both) to match the maximum or a lesser amount of the accelerated payment which the Administrator is authorized to make to any eligible veteran under this section, except that such State (or unit) may limit such program to veterans who are bona fide residents of such State (or unit).

(c) Accelerated payments made under this section by the Administrator and matching amounts paid to the Administrator by a State or local governmental unit, as described in subsection (b)(8) of this section, shall constitute a collection of principal on loans made under subchapter III of chapter 36 of this title and shall be deposited in the Veterans' Administration Education Loan Fund established by section 1799 of this title. The Administrator shall promptly notify each veteran on whose behalf such a principal collection and deposit has been made of the amount by which such collection and deposit reduces the principal repayment obligation of such veteran.

(d) In no event may the amount of accelerated payment made by the Administrator in connection with any school term exceed (1) an amount equal to the educational assistance allowance to which such veteran was otherwise entitled under section 1682 of this title for such school term, (2) an amount equal to 33⅓ per centum of the amount by which the expenses of tuition and fees are in excess of $700 for such school term, (3) an amount equal to 33⅓ per centum of the amount by which the amount of the outstanding obligation of such veteran under any loan made pursuant to section 1798 of this title is in excess of $700, or (4) the amount which the State (or local govern-

mental unit or both) concerned pays to the Administrator to match the accelerated payment to be made by the Administrator on behalf of such veteran, whichever is the least amount.

(e) As used in this section, the term "school term" means—

(1) in the case of an institution of higher learning operating on a quarter system, three such consecutive quarters;

(2) in the case of an institution of higher learning operating on a semester system, two such consecutive semesters; or

(3) in the case of an educational institution not an institution of higher learning, or, in the case of an institution of higher learning not operating on a quarter or semester system, any time division, approved by the Administrator, of a program of education within which segments of the program are completed.

(Added Pub. L. 95-202, title II, § 201(a), Nov. 23, 1977, 91 Stat. 1436.)

REFERENCES IN TEXT

Five years after the date of enactment of this section, referred to in subsec. (b)(8), means five years after Nov. 23, 1977, the date of approval of Pub. L. 95-202 which enacted this section.

EFFECTIVE DATE

Section effective Jan. 1, 1978, see section 501 of Pub. L. 95-202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

NOTICE TO EDUCATIONAL INSTITUTIONS OF THE AVAILABILITY OF ACCELERATED PAYMENTS

Section 201(d) of Pub. L. 95-202 provided that: "The Administrator of Veterans' Affairs, not later than 60 days after the date of enactment of this Act [Nov. 23, 1977], shall notify each appropriate educational institution that accelerated payments (as provided for in subsection (a) of this section [which enacted this section]) may be available for certain students enrolled at such institutions, specifying the full conditions and procedures governing such payments, and, not later than 90 days after such date of enactment, shall publish in the Federal Register, and notify each State of, the rules and regulations governing the accelerated payment program."

PRORATED PAYMENTS FOR 1978

Section 201(e) of Pub. L. 95-202 provided that: "Notwithstanding the provisions of section 1682A or section 1738 of title 38, United States Code, as added by subsections (a) and (b) of this section, eligible veterans and eligible persons entitled thereunder shall, in connection with a semester or two consecutive quarters beginning after January 1, 1978, and ending prior to August 1, 1978, be entitled to accelerated payment of educational assistance allowances upon application therefor, but the amounts of such accelerated payment which may be made in connection with any such semester or quarters, the number of months by which such veteran's or person's entitlement shall be reduced, and any quantifiable eligibility criteria shall be appropriately prorated by the Administrator of Veterans' Affairs."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1738, 1798 of this title.

§ 1685. Veteran-student services

(a) Veteran-students utilized under the authority of subsection (b) of this section shall be paid an additional educational assistance allowance (hereafter referred to as "work-study allowance"). Such work-study allowance shall be paid in an amount equal to either the amount of the hourly minimum wage in effect under section 6(a) of the Fair Labor Standards Act of 1938 times two hundred and fifty or $625, whichever is the higher, in return for such veteran-student's agreement to perform services, during or between periods of enrollment, aggregating two hundred and fifty hours during a semester or other applicable enrollment period, required in connection with (1) the out-reach services program under subchapter IV of chapter 3 of this title as carried out under the supervision of a Veterans' Administration employee, (2) the preparation and processing of necessary papers and other documents at educational institutions or regional offices or facilities of the Veterans' Administration, (3) the provision of hospital and domiciliary care and medical treatment under chapter 17 of this title, or (4) any other activity of the Veterans' Administration as the Administrator shall determine appropriate. An agreement may be entered into for the performance of services for periods of less than two hundred and fifty hours. The amount of the work-study allowance to be paid under any such agreement shall be determined by multiplying the number of hours of work performed by the veteran-student under such agreement times either the hourly minimum wage in effect under section 6(a) of the Fair Labor Standards Act of 1938 during the period the work is to be performed or $2.50, whichever is the higher. A veteran-student shall be paid in advance an amount equal to 40 per centum of the total amount of the work-study allowance agreed to be paid under the agreement in return for the veteran-student's agreement to perform the number of hours of work specified in the agreement.

[*See main edition for text of* (b) *to* (d)]

(As amended Pub. L. 95-202, title I, § 105, Nov. 23, 1977, 91 Stat. 1435.)

REFERENCES IN TEXT

Section 6(a) of the Fair Labor Standards Act of 1938, referred to in subsec. (a), is classified to section 206(a) of Title 29, Labor.

AMENDMENTS

1977—Subsec. (a). Pub. L. 95-202 substituted "Such work-study allowance shall be paid in an amount equal to either the amount of the hourly minimum wage in effect under section 6(a) of the Fair Labor Standards Act of 1938 times two hundred and fifty or $625, whichever is the higher," for "Such work-study allowance shall be paid in the amount of $625" and, in the provisions relating to periods of service of less than two hundred and fifty hours, substituted "amount of the work-study allowance to be paid under any such agreement shall be determined by multiplying the number of hours of work performed by the veteran-student under such agreement times either the hourly minimum wage in effect under section 6(a) of the Fair Labor Standards Act of 1938 during the period the work is to be performed or $2.50, whichever is the higher" for "amount of the work-study allowance to be paid shall bear the same ratio to the number of hours of work agreed to be performed as $625 bears to two hundred and fifty hours" and "A veteran-student

shall be paid in advance an amount equal to 40 per centum of the total amount of the work-study allowance agreed to be paid under the agreement to perform the number of hours of work specified in the agreement" for provisions setting a flat amount of $250 in advance or a lesser amount in the case of any agreement providing for periods of less than one hundred hours.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective retroactively to Oct. 1, 1977, see section 501 of Pub. L. 95-202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

TRANSFER OF FUNCTIONS

All functions vested by statute in the United States Civil Service Commission were transferred to the Director of the Office of Personnel Management (except as otherwise specified) by Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 241, 243, 246, 612A, 1502 of this title; title 20 section 1070e-1.

SUBCHAPTER V—SPECIAL ASSISTANCE FOR THE EDUCATIONALLY DISADVANTAGED

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 246, 1661, 1673, 1698, 1789 of this title; title 20 section 1070e-1.

§ 1692. Special supplementary assistance

[*See main edition for text of* (a)]

(b) The Administrator shall pay to an eligible veteran receiving tutorial assistance pursuant to subsection (a) of this section, in addition to the educational assistance allowance provided in section 1682 of this title, the cost of such tutorial assistance in an amount not to exceed $69 per month, for a maximum of twelve months, or until a maximum of $828 is utilized, upon certification by the educational institution that—

[*See main edition for text of* (1) *to* (3)]

(As amended Pub. L. 95-202, title I, § 102(5), Nov. 23, 1977, 91 Stat. 1434.)

AMENDMENTS

1977—Subsec. (b). Pub. L. 95-202 substituted "$69" and "$828" for "$65" and "$780", respectively.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective retroactively to Oct. 1, 1977, see section 501 of Pub. L. 95-202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 246, 1733 of this title; title 20 section 1070e-1.

SUBCHAPTER VI—PREDISCHARGED EDUCATION PROGRAM

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 246, 1631, 1661, 1780, 1789 of this title; title 20 section 1070e-1.

§ 1696. Payment of educational assistance allowance

[*See main edition for text of* (a)]

(b) The educational assistance allowance of an eligible person pursuing education or training under this subchapter shall be computed at the rate of (1) the established charges for tuition and fees which the educational institution requires similarly circumstanced nonveterans enrolled in the same or a similar program to pay, and the cost of books and supplies peculiar to the course which such educational institution requires similarly circumstanced nonveterans enrolled in the same or a similar program to have, or (2) $311 per month for a full-time course, whichever is the lesser. Where it is determined that there is no same program, the Administrator shall establish appropriate rates for tuition and fees designed to allow reimbursement for reasonable costs for the education or training institution.

[*See main edition for text of* (c) *and* (d)]

(As amended Pub. L. 95-202, title I, § 102(6), Nov. 23, 1977, 91 Stat. 1434.)

AMENDMENTS

1977—Subsec. (b). Pub. L. 95-202 substituted "$311" for "$292".

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective retroactively to Oct. 1, 1977, see section 501 of Pub. L. 95-202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

§ 1698. Coordination with and participation by Department of Defense

[*See main edition for text of* (a)]

(b) Educational institutions and training establishments administered by or under contract to the Department of Defense providing education and training to persons serving on active duty with the Armed Forces shall, in accordance with regulations jointly prescribed by the Administrator and the Secretary of Defense, be approved for the enrollment of eligible persons only at such time as the Secretary submits to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing such Department's plan for implementation of the program established under this subchapter (except that on-going programs of education and training at such institutions or establishments may be continued for ninety days after the date of enactment of this section and prior to the submission of such report), which plan shall include provision for—

[*See main edition for text of* (1) *to* (4)]

(As amended Pub. L. 95-202, title III, § 302(b), Nov. 23, 1977, 91 Stat. 1441.)

AMENDMENTS

1977—Subsec. (b). Pub. L. 95-202 struck out provisions requiring the submission of periodic progress reports with respect to the implementation of the Department's plan for implementing the program established under this subchapter.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective Nov. 23, 1977, see section 501 of Pub. L. 95-202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

CHAPTER 35—SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

SUBCHAPTER IV—PAYMENTS TO ELIGIBLE PERSONS

Sec.
1738. Accelerated payment of educational assistance allowances.

AMENDMENTS

1977—Pub. L. 95-202, title II, § 201(c)(2), Nov. 23, 1977, 91 Stat. 1438, added item 1738.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 101, 104, 111, 243, 618, 1502, 1673, 1682A, 1770, 1771, 1772, 1773, 1774, 1780, 1781, 1782, 1783, 1784, 1785, 1787, 1788, 1790, 1792, 1793, 1794, 1795, 1796, 2013, 3013 of this title; title 5 section 8525; title 20 section 1070a.

SUBCHAPTER I—DEFINITIONS

§ 1701. Definitions

TRANSFER OF FUNCTIONS

For transfer of functions and offices (relating to education) of the Secretary and Department of Health, Education, and Welfare to the Secretary and Department of Education, and termination of certain offices and positions, see sections 3441 and 3503 of Title 20, Education.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 240, 1711, 1712, 1720, 1763, 1765, 1786, 1787, 1798 of this title.

SUBCHAPTER II—ELIGIBILITY AND ENTITLEMENT

§ 1712. Periods of eligibility

[See main edition for text of (a)]

(b)(1) No person made eligible by section 1701(a)(1)(B) or (D) of this chapter may be afforded educational assistance under this chapter beyond 10 years after whichever last occurs:

(A) the date on which the Administrator first finds the spouse from whom eligibility is derived has a service-connected total disability permanent in nature, or

(B) the date of death of the spouse from whom eligibility is derived.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, in the case of any eligible person (as defined in section 1701(a)(1)(B), (C), or (D) of this chapter) who was prevented from initiating or completing such person's chosen program of education within such period because of a physical or mental disability which was not the result of such person's own willful misconduct, such person shall, upon application, be granted an extension of the applicable delimiting period for such length of time as the Administrator determines, from the evidence, that such person was prevented from initiating or completing such program of education.

[See main edition for text of (c) to (e)]

(f) Any eligible person (as defined in section 1701(a)(1)(B), (C), or (D) of this chapter) shall be entitled to an additional period of eligibility for an education loan under subchapter III of chapter 36 of this title beyond the maximum period provided for in this section pursuant to the same terms and conditions set forth with respect to an eligible veteran in section 1662(a)(2) of this title.

(g) Any entitlement used by any eligible person as a result of eligibility under the provisions of section 1701(a)(1)(A)(iii) or 1701(a)(1)(C) of this title shall be deducted from any entitlement to which such person may subsequently become entitled under the provisions of this chapter.

(As amended Pub. L. 95-202, title II, § 203(a)(2), (b)(2), Nov. 23, 1977, 91 Stat. 1439, 1440.)

AMENDMENTS

1977—Subsec. (b). Pub. L. 95-202, § 203(a)(2), designated existing provisions as par. (1) and former cls. (1) and (2) thereof as cls. (A) and (B), and added par. (2).

Subsec. (f). Pub. L. 95-202, § 203(b)(2), added subsec. (f). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 95-202, § 203(b)(2), redesignated former subsec. (f) as (g).

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective retroactively to May 31, 1976, see section 501 of Pub. L. 95-202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

SUBCHAPTER III—PROGRAM OF EDUCATION

§ 1724. Discontinuance for unsatisfactory progress

The Administrator shall discontinue the educational assistance allowance on behalf of an eligible person if, at any time, the Administrator finds that according to the regularly prescribed standards and practices of the educational institution such person is attending, the person's conduct or progress is unsatisfactory. Unless the Administrator finds there are mitigating circumstances, progress will be considered unsatisfactory at any time an eligible person is not progressing at a rate that will permit such person to graduate within the approved length of the course based on the training time as certified to the Veterans' Administration, or within such other length of time (exceeding such approved length) as the Administrator determines to be reasonable in accordance with regulations. The Administrator may renew the payment of the educational assistance allowance only if the Administrator finds that—

(1) the cause of the unsatisfactory conduct or progress of the eligible person has been removed; and

(2) the program which the eligible person now proposes to pursue (whether the same or revised) is suitable to the person's aptitudes, interests, and abilities.

(As amended Pub. L. 95-202, title III, § 305(b)(1), Nov. 23, 1977, 91 Stat. 1443.)

AMENDMENTS

1977—Pub. L. 95-202 added provisions authorizing the Administrator to determine the veteran's progress

to be satisfactory even though the veteran will graduate within a length of time exceeding the approved length if the additional length of time is reasonable in accordance with regulations.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective on the first day of the first month beginning 60 days after Nov. 23, 1977, see section 501 of Pub. L. 95-202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

SUSPENSION OF IMPLEMENTATION OF 1976 AMENDMENT

For provisions directing the Administrator to suspend the implementation of the amendment to this section by section 307 of Pub. L. 94-502 in the case of any accredited educational institution which submits to the Administrator its course catalogue or bulletin and a certification that the policies and regulations described in cls. (6) and (7) of section 1776(b) of this title are being enforced by such institution, unless the Administrator finds that the catalog or bulletin fails to state fully and clearly the policies and regulations, and for that suspension to continue until the Administrator submits the report required under section 305(b)(2) of Pub. L. 95-202, see section 305(b)(4)(A) of Pub. L. 95-202, set out as a note under section 1674 of this title.

SUBCHAPTER IV—PAYMENTS TO ELIGIBLE PERSONS

§ 1732. Computation of educational assistance allowance

[*See main edition for text of* (a)]

(b) The educational assistance allowance to be paid on behalf of an eligible person who is pursuing a full-time program of education which consists of institutional courses and alternate phases of training in a business or industrial establishment with the training in the business or industrial establishment being strictly supplemental to the institutional portion, shall be computed at the rate of $251 per month.

[*See main edition for text of* (c) *and* (d)]

(As amended Pub. L. 95-202, title I, § 103(1), Nov. 23, 1977, 91 Stat. 1434.)

AMENDMENTS

1977—Subsec. (b). Pub. L. 95-202 substituted "$251" for "$235".

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective retroactively to Oct. 1, 1977, see section 501 of Pub. L. 95-202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

§ 1738. Accelerated payment of educational assistance allowances

An eligible person shall be entitled to an accelerated payment of educational assistance allowances pursuant to the provisions of section 1682A of this title.

(Added Pub. L. 95-202, title II, § 201(b), Nov. 23, 1977, 91 Stat. 1437.)

EFFECTIVE DATE

Section effective Jan. 1, 1978, see section 501 of Pub. L. 95-202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

PRORATED PAYMENTS FOR 1978

Eligible veterans and eligible persons entitled under this section and section 1682A of this title, in connection with a semester or two consecutive quarters beginning after January 1, 1978, and ending prior to August 1, 1978, to be entitled to accelerated payment of educational assistance allowances upon application therefor, but the amounts of such accelerated payment which may be made in connection with any such semester or quarters, the number of months by which such veteran's or person's entitlement shall be reduced, and any quantifiable eligibility criteria to be appropriately prorated by the Administrator of Veterans' Affairs, see section 201(e) of Pub. L. 95-202, set out as a note under section 1682A of this title.

SUBCHAPTER V—SPECIAL RESTORATIVE TRAINING

§ 1742. Special training allowance

(a) While the eligible person is enrolled in and pursuing a full-time course of special restorative training, the parent or guardian shall be entitled to receive on behalf of such person a special training allowance computed at the basic rate of $311 per month. If the charges for tuition and fees applicable to any such course are more than $98 per calendar month, the basic monthly allowance may be increased by the amount that such charges exceed $98 a month, upon election by the parent or guardian of the eligible person to have such person's period of entitlement reduced by one day for each $10.40 that the special training allowance paid exceeds the basic monthly allowance.

[*See main edition for text of* (b) *and* (c)]

(As amended Pub. L. 95-202, title I, § 103(2), Nov. 23, 1977, 91 Stat. 1435.)

AMENDMENTS

1977—Subsec. (a). Pub. L. 95-202 substituted "$311" for "$292", "$98" for "$92" in two places, and "$10.40" for "$9.76".

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective retroactively to Oct. 1, 1977, see section 501 of Pub. L. 95-202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

SUBCHAPTER VII—PHILIPPINE COMMONWEALTH ARMY AND PHILIPPINE SCOUTS

§ 1766. Definitions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 101, 1765 of this title.

CHAPTER 36—ADMINISTRATION OF EDUCATIONAL BENEFITS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 243, 613, 1502, 1641, 1652, 1661, 1662, 1670, 1673, 1681, 1682A, 1701, 1781, 1784, 1793, 1795, 2013 of this title; title 45 section 911.

SUBCHAPTER I—STATE APPROVING AGENCIES

§ 1774. Reimbursement of expenses

[*See main edition for text of* (a)]

(b) The allowance for administrative expenses incurred pursuant to subsection (a) of this section shall be paid in accordance with the following formula:

Total salary cost reimbursable under this section	Allowable for administrative expense
$5,000 or less	$630.
Over $5,000 but not exceeding $10,000	$1,134.
Over $10,000 but not exceeding $35,000	$1,134 for the first $10,000 plus $1,050 for each additional $5,000 or fraction thereof.
Over $35,000 but not exceeding $40,000	$6,862.
Over $40,000 but not exceeding $75,000	$6,862 for the first $40,000 plus $908 for each additional $5,000 or fraction thereof.
Over $75,000 but not exceeding $80,000	$13,608.
Over $80,000	$13,608 for the first $80,000 plus $793 for each additional $5,000 or fraction thereof.

(c) Each State and local agency with which the Administrator contracts or enters into an agreement under subsection (a) of this section shall report to the Administrator on September 30, 1978, and periodically, but not less often than annually, thereafter, as determined by the Administrator, on the activities in the preceding twelve months (or the period which has elapsed since the last report under this subsection was submitted) carried out under such contract or agreement. Each such report shall describe, in such detail as the Administrator shall prescribe, services performed and determinations made in connection with ascertaining the qualifications of educational institutions in connection with this chapter and chapters 32, 34, and 35 of this title and in supervising such institutions.

(As amended Pub. L. 95-202, title III, § 303, Nov. 23, 1977, 91 Stat. 1441.)

AMENDMENTS

1977—Subsec. (b). Pub. L. 95-202, § 303(1), increased the allowance for administrative expenses by substituting "$630" for "$600", "$1,134" for "$1,080" in two places, "$1,050" for "$1,000", "$6,862" for "$6,535" in two places, "$908" for "$865", "$13,608" for "$12,960" in two places, and "$793" for "$755".

Subsec. (c). Pub. L. 95-202, § 303(2), added subsec. (c).

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective on the first day of the first month beginning 60 days after Nov. 23, 1977, see section 501 of Pub. L. 95-202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

§ 1775. Approval of accredited courses

TRANSFER OF FUNCTIONS

For transfer of functions and offices (relating to education) of the Secretary and Department of Health, Education, and Welfare to the Secretary and Department of Education, and termination of certain offices and positions, see sections 3441 and 3503 of Title 20, Education.

SUBCHAPTER II—MISCELLANEOUS PROVISIONS

§ 1780. Payment of educational assistance or subsistence allowances

EX. ORD. NO. 12020. PAYMENT OF BENEFITS WHEN SCHOOLS ARE TEMPORARILY CLOSED TO CONSERVE ENERGY

Ex. Ord. No. 12020, Nov. 8, 1977, 42 F.R. 58509, provided:

By virtue of the authority vested in me by clause (A) of Section 1780(a) of Title 38 of the United States Code, and as President of the United States of America, in order to establish a national policy in regard to payment of educational benefits to veterans and their dependents during periods in which schools are closed to conserve energy, it is hereby ordered as follows:

SECTION 1. Whenever an educational institution submits evidence which satisfies the Administrator of Veterans' Affairs that energy consumption will be abnormally high during the winter months or that available energy supplies will be inadequate to meet the needs of the school, and that, in the interest of energy conservation, the institution plans to close between semesters or terms for a period not to exceed 45 days, the Administrator may continue to pay monthly educational assistance benefits to veterans and eligible persons enrolled in such schools. Such authority may be exercised only once during any 12-month period with respect to any educational institution.

SEC. 2. The Administrator shall advise veterans and other eligible persons of the effect of accepting educational assistance benefits under the provisions of Section 1 of this Order on their period of entitlement.

JIMMY CARTER.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1502, 1641, 1784, 1790, 1798 of this title.

§ 1781. Limitations on educational assistance

CHANGE OF NAME

The Department of Health, Education, and Welfare was redesignated the Department of Health and Human Services by section 3508 of Title 20, Education.

§ 1784. Reports by institutions; reporting fee

[*See main edition for text of* (a)]

(b) The Administrator may pay to any educational institution, or to any joint apprenticeship training committee acting as a training establishment, furnishing education or training under either this chapter or chapter 34 or 35 of this title, a reporting fee which will be in lieu of any other compensation or reimbursement for reports or certifications which such educational institution or joint apprenticeship training committee is required to submit to the Administrator by law or regulation. Such reporting fee shall be computed for each calendar year by multiplying $7 by the number of eligible veterans or eligible persons enrolled under this chapter or chapter 34 or 35 of this title, or $11 in the case of those eligible veterans and eligible persons whose educational assistance checks are directed in care of each institution for temporary custody and delivery and are delivered at the time of registration as provided under section 1780(d)(5) of this title, on October 31 of that year; except that the Administrator may, where it is established by such educational institution or joint apprenticeship training com-

mittee that eligible veteran plus eligible person enrollment on such date varies more than 15 per centum from the peak eligible veteran enrollment plus eligible person enrollment in such educational institution or joint apprenticeship training committee during such calendar year, establish such other date as representative of the peak enrollment as may be justified for such educational institution or joint apprenticeship training committee. The reporting fee shall be paid to such educational institution or joint apprenticeship training committee as soon as feasible after the end of the calendar year for which it is applicable. No reporting fee payable to an educational institution under this subsection shall be subject to offset by the Administrator against any liability of such institution for any overpayment for which such institution may be administratively determined to be liable under section 1785 of this title unless such liability is not contested by such institution or has been upheld by a final decree of a court of appropriate jurisdiction.

(As amended Pub. L. 95-202, title III, § 304(a)(1), Nov. 23, 1977, 91 Stat. 1442.)

AMENDMENTS

1977—Subsec. (b). substituted "$7" and "$11" for "$5" and "$6", respectively, and added provision that no reporting fee payable to an educational institution under this subsection be subject to offset by the Administrator against any liability of the institution for any overpayment for which the institution may be administratively determined to be liable under section 1785 of this title unless that liability is not contested by the institution or has been upheld by a final decree of a court of appropriate jurisdiction.

EFFECTIVE DATE OF 1977 AMENDMENT

Substitution of "$7" and "$11" for "$5" and "$6", respectively, in subsec. (b) of this section by Pub. L. 95-202 effective retroactively to Oct. 1, 1977, see section 501 of Pub. L. 95-202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

Addition of provision in subsec. (b) of this section relating to the offset of overpayments by Pub. L. 95-202 effective Nov. 23, 1977, see section 501 of Pub. L. 95-202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1785, 1798 of this title.

§ 1785. Overpayments to eligible persons or veterans

Whenever the Administrator finds that an overpayment has been made to an eligible person or veteran as the result of (1) the willful or negligent failure of an educational institution to report, as required by this chapter or chapter 34 or 35 of this title and applicable regulations, to the Veterans' Administration excessive absences from a course, or discontinuance or interruption of a course by the eligible person or veteran, or (2) false certification by an educational institution, the amount of such overpayment shall constitute a liability of such institution, and may be recovered, except as otherwise provided in section 1784(b) of this title, in the same manner as any other debt due the United States. Any amount so collected shall be reimbursed if the overpayment is recovered from the eligible person or veteran. This section shall not preclude the imposition of any civil or criminal liability under this or any other law. Nothing in this section or any other provision of this title shall be construed as requiring any institution of higher learning to maintain daily attendance records for any course leading to a standard college degree.

(As amended Pub. L. 95-202, title III, § 304(a)(2), Nov. 23, 1977, 91 Stat. 1442.)

AMENDMENTS

1977—Pub. L. 95-202 inserted ", except as otherwise provided in section 1784(b) of this title," after "recovered" in the first sentence, and added last sentence providing that nothing in this section or any other provision of this title shall be construed as requiring any institution of higher learning to maintain daily attendance for any course leading to a standard college degree.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective Nov. 23, 1977, see section 501 of Pub. L. 95-202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1784 of this title.

§ 1786. Correspondence courses

(a)(1) Each eligible veteran (as defined in section 1652(a)(1) and (2) of this title) and each eligible spouse or surviving spouse (as defined in section 1701(a)(1)(B), (C), or (D) of this title) who enters into an enrollment agreement to pursue a program of education exclusively by correspondence shall be paid an educational assistance allowance computed at the rate of 90 per centum of the established charge which the institution requires nonveterans to pay for the course or courses pursued by the eligible veteran or spouse or surviving spouse. The term "established charge" as used herein means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost to the veteran or spouse or surviving spouse, whichever is the lesser. Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the veteran or spouse or surviving spouse and serviced by the institution.

(2) The period of entitlement of any veteran or spouse or surviving spouse who is pursuing any program of education exclusively by correspondence shall be charged with one month for each $311 which is paid to the veteran or spouse or surviving spouse as an educational assistance allowance for such course.

[*See main edition for text of* (b) *and* (c)]

(As amended Pub. L. 95-202, title I, § 104(1), Nov. 23, 1977, 91 Stat. 1435.)

AMENDMENTS

1977—Subsec. (a)(2). Pub. L. 95-202 substituted "$311" for "$292".

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective retroactively to Oct. 1, 1977, see section 501 of Pub. L. 95-202, set

out as an Effective Date of 1977 Amendment note under section 101 of this title.

§ 1787. Apprenticeship or other on-job training

[*See main edition for text of (a)*]

(b)(1) The monthly training assistance allowance of an eligible veteran pursuing a program described under subsection (a) shall be as follows:

Column I	Column II	Column III	Column IV	Column V
Periods of training	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
First 6 months	$226	$254	$277	$12
Second 6 months	169	197	221	12
Third 6 months	113	141	164	12
Fourth and any succeeding 6-month periods	56	84	108	12

[*See main edition for text of (2) and (3); (c)*]

(As amended Pub. L. 95-202, title I, § 104(2), Nov. 23, 1977, 91 Stat. 1435.)

AMENDMENTS

1977—Subsec. (b)(1). Pub. L. 95-202 increased the monthly training assistance allowance of eligible veterans in column II from $212, $159, $106, and $53 to $226, $169, $113, and $56; in column III from $238, $185, $132, and $79 to $254, $197, $141, and $84; in column IV from $260, $207, $154, and $101 to $277, $221, $164, and $108; in column V from $11, $11, $11, and $11 to $12, $12, $12, and $12, respectively.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective retroactively to Oct. 1, 1977, see section 501 of Pub. L. 95-202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1641, 1682, 1684, 1734, 1772, 1780 of this title; title 29 sections 813, 823.

§ 1788. Measurement of courses

(a) For the purposes of this chapter and chapters 34 and 35 of this title—

(1) an institutional trade or technical course offered on a clock-hour basis, not leading to a standard college degree, involving shop practice as an integral part thereof, shall be considered a full-time course when a minimum of thirty hours per week of attendance is required with no more than two and one-half hours of rest periods and not more than 5 hours of supervised study per week allowed, but if such course is approved pursuant to section 1775 of this title, then 22 hours per week of attendance, with no more than 2½ hours of rest period per week allowed and excluding supervised study, shall be considered full time;

(2) an institutional course offered on a clock-hour basis, not leading to a standard college degree, in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of twenty-five hours per week net of instruction and not more than 5 hours of supervised study (which may include customary intervals not to exceed ten minutes between hours of instruction) is required, but if such course is approved pursuant to section 1775 of this title, then 18 hours per week net of instruction (excluding supervised study), which may include customary intervals not to exceed ten minutes between hours of instruction, shall be considered full time;

[*See main edition for text of (3) to (6)*]

Notwithstanding the provisions of clause (1) or (2) of this subsection, an educational institution offering courses not leading to a standard college degree may measure such courses on a quarter- or semester-hour basis (with full time measured on the same basis as provided by clause (4) of this subsection); but (A) the academic portions of such courses must require outside preparation and be measured on not less than one quarter or one semester hour for each fifty minutes net of instruction per week or quarter or semester; (B) the laboratory portions of such courses must be measured on not less than one quarter or one semester hour for each two hours of attendance per week per quarter or semester; and (C) the shop portions of such courses must be measured on not less than one quarter or one semester hour for each three hours of attendance per week per quarter or semester. In no event shall such course be considered a full-time course when less than twenty-two hours per week of attendance is required.

[*See main edition for text of (b)*]

(As amended Pub. L. 95-202, title III, § 304(a)(3), Nov. 23, 1977, 91 Stat. 1442.)

AMENDMENTS

1977—Subsec. (a)(1). Pub. L. 95-202, § 304(a)(3)(A), (B), substituted "two and one-half hours of rest periods and not more than 5 hours of supervised study per week allowed, but if such course is approved pursuant to section 1775 of this title, then 22 hours per week of attendance" for "two and one-half hours of rest periods per week allowed, but if such course is approved pursuant to section 1775 of this title, then 27 hours per week of attendance".

Subsec. (a)(2). Pub. L. 95-202, § 304(a)(3)(C), (D), substituted "minimum of twenty-five hours per week net of instruction and not more than 5 hours of supervised study" for "minimum of twenty-five hours per week net of instruction" and "18 hours per week" for "22 hours per week".

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective on the first day of the first month beginning 60 days after Nov. 23, 1977, see section 501 of Pub. L. 95-202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

§ 1789. Period of operation for approval

[*See main edition for text of (a)*]

(b) Subsection (a) shall not apply to—

[*See main edition for text of (1) to (6)*]

The Administrator may waive the requirements of clause (6) of this subsection, in whole or in part, if the Administrator determines, pursuant to regulations which the Administrator shall prescribe, it to be in the interest of the eligible veteran and the Federal Government.

(c) Notwithstanding the provisions of subsection (b)(1), (2), (3), or (4) of this section, the provisions of subsection (a) shall apply to any course offered by a branch or extension of—

[*See main edition for text of (1) and (2)*]

The Administrator may waive the requirements of this subsection, in whole or in part, if the Administrator determines, pursuant to regulations which the Administrator shall prescribe, it to be in the interest of the eligible veteran and the Federal Government.

(As amended Pub. L. 95-202, title III, § 305(a)(1), Nov. 23, 1977, 91 Stat. 1442.)

AMENDMENTS

1977—Subsec. (b). Pub. L. 95-202, § 305(a)(1)(A), authorized the Administrator to waive the requirements of cl. (6) in whole or in part if the Administrator determines, pursuant to regulations which the Administrator prescribes, that it is in the interest of the eligible veteran and the Federal Government.

Subsec. (c). Pub. L. 95-202, § 305(a)(1)(B), authorized the Administrator to waive the requirements of this subsection, in whole or in part, if the Administrator determines, pursuant to regulations which the Administrator prescribes, that it is in the interest of the eligible veteran and the Federal Government.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective the first day of the first month beginning 60 days after Nov. 23, 1977, see section 501 of Pub. L. 95-202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

§ 1790. Overcharges by educational institutions; discontinuance of allowances; examination of records; false or misleading statements

[*See main edition for text of (a)*]

Discontinuance of Allowances

(b)(1) The Administrator may discontinue the educational assistance allowance of any eligible veteran or eligible person if the Administrator finds that the program of education or any course in which the veteran or person is enrolled fails to meet any of the requirements of this chapter or chapter 34 or 35 of this title, or if the Administrator finds that the educational institution offering such program or course has violated any provision of this chapter or chapter 34 or 35, or fails to meet any of the requirements of such chapters.

(2) Any action by the Administrator under paragraph (1) of this subsection to discontinue (including to suspend) assistance provided to any eligible veteran or eligible person under this chapter or chapter 31, 32, 34, or 35 of this title shall be based upon evidence that the veteran or eligible person is not or was not entitled to such assistance. Whenever the Administrator so discontinues any such assistance, the Administrator shall concurrently provide written notice to such veteran or person of such discontinuance and that such veteran or person is entitled thereafter to a statement of the reasons therefor such action and an opportunity to be heard thereon.

[*See main edition for text of (c) and (d)*]

(As amended Pub. L. 95-202, title III, § 306, Nov. 23, 1977, 91 Stat. 1445.)

AMENDMENTS

1977—Subsec. (b). Pub. L. 95-202 designated existing provisions as par. (1) and added par. (2).

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective Nov. 23, 1977, see section 501 of Pub. L. 95-202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

§ 1792. Advisory committee

TRANSFER OF FUNCTIONS

For transfer of functions and offices (relating to education) of the Secretary and Department of Health, Education, and Welfare to the Secretary and Department of Education, and termination of certain offices and positions, see sections 3441 and 3503 of Title 20, Education.

STUDY OF EDUCATIONAL ASSISTANCE PROGRAMS FOR VETERANS, SURVIVORS, AND DEPENDENTS; SUBMISSION TO CONGRESS AND PRESIDENT BY SEPTEMBER 30, 1979

Pub. L. 95-202, title III, § 304(b),, Nov. 23, 1977, 91 Stat. 1442, which provided that the Administrator of Veterans' Affairs, in consultation with the Advisory Committee formed pursuant to this section, conduct a study respecting the operation of the programs of educational assistance carried out under this chapter and chapter 34 of this title and that a report concerning such study be submitted to the Congress not later than Sept. 30, 1979, was omitted from the Code as executed.

SUBCHAPTER III—EDUCATION LOANS TO ELIGIBLE VETERANS AND ELIGIBLE PERSONS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1631, 1662, 1682A, 1712 of this title.

§ 1798. Eligibility for loans; amount and conditions of loans; interest rate on loans

(a) Each eligible veteran and eligible person shall be entitled to a loan under this subchapter in an amount determined under, and subject to the conditions specified in, subsection (b)(1) of this section if the veteran or person satisfies the requirements set forth in subsection (c) of this section and the criteria established under subsection (g) of this section.

(b)(1) Subject to paragraph (3) of this subsection, the amount of the loan to which an eligible veteran or eligible person shall be entitled under this subchapter for any academic year shall be equal to the amount needed by such veteran or person to pursue a program of education at the institution at which the veteran or person is enrolled, as determined under paragraph (2) of this subsection.

[*See main edition for text of (2)*]

(3) The aggregate of the amounts any veteran or person may borrow under this subchapter may not exceed $311 multiplied by the number of months such veteran or person is entitled to receive educational assistance under section 1661 or subchapter II of chapter 35, respectively, of this title, but not in excess of $2,500 in any one regular academic year.

(c) An eligible veteran or person shall be entitled to a loan under this subchapter if such veteran or person—

(1) is in attendance at an educational institution on at least a half-time basis and (A) is enrolled in a course leading to a standard college degree, or (B) is enrolled in a course, the completion of which requires six months or longer, leading to an identified and predetermined professional or vocational objective, except that the Administrator may waive the requirements of subclause (B) of this clause, in whole or in part, if the Administrator determines, pursuant to regulations which the Administrator shall prescribe, it to be in the interest of the eligible veteran and the Federal Government;

(2) enters into an agreement with the Administrator meeting the requirements of subsection (d) of this section; and

(3) satisfies any criteria established under subsection (g) of this section.

No loan shall be made under this subchapter to an eligible veteran or person pursuing a program of correspondence, flight, apprentice or other on-job, or PREP training.

(d) Any agreement between the Administrator and a veteran or person under this subchapter—

(1) shall include a note or other written obligation which provides for repayment to the Administrator of the principal amount of, and payment of interest on, the loan in installments (A) over a period beginning nine months after the date on which the borrower ceases to be at least a half-time student and ending ten years and nine months after such date, or (B) over such shorter period as the Administrator may have prescribed under subsection (g) of this section;

[*See main edition for text of (2) to (4)*]

(e)(1) Except as provided in paragraph (2) of this subsection, whenever the Administrator determines that a default has occurred on any loan made under this subchapter, the Administrator shall declare an overpayment, and such overpayment shall be recovered from the veteran or person concerned in the same manner as any other debt due the United States.

[*See main edition for text of (2)*]

(3) The Administrator shall submit to the appropriate committees of the Congress not later than December 31 of each year a report on the current results of the continuing review required by subsection (g)(1) of this section to be made regarding the default experience with respect to loans made under this section and any steps being taken to reduce default rates on such loans. Such report shall include in maximum feasible detail—

(A) data regarding the cumulative default experience, and the default experience during the preceding fiscal year, with respect to such loans;

(B) data regarding the default experience and default rate at each educational institution (i) with respect to loans made under this section in connection with accelerated payments under section 1682A of this title, and (ii) with respect to other loans made under this section; and

(C) comparisons of the collective default experience and default rates with respect to such loans at all such institutions to the default experience and default rates with respect to such loans at each such institution.

(f)(1) At the time of application by any eligible veteran for a loan under this section, such veteran shall assign to the benefit of the Veterans' Administration (for deposit in the Veterans' Administration Education Loan Fund established under section 1799 of this title) the amount of any accelerated payment to which such eligible veteran may become entitled from the Administrator and any matching contribution by a State or local governmental unit pursuant to section 1682A(b)(8) of this title in connection with the school term for which such veteran has applied.

(2) Payment of a loan made under this section shall be drawn in favor of the eligible veteran and mailed promptly to the educational institution in which such veteran is enrolled. Such institution shall deliver such payment to the eligible veteran as soon as practicable after receipt thereof. Upon delivery of such payment to the eligible veteran, such educational institution shall promptly submit to the Administrator a certification, on such form as the Administrator shall prescribe, of such delivery, and such delivery shall be deemed to be an advance payment under section 1780(d)(5) of this title for purposes of section 1784(b) of this title.

(3) For purposes of this subsection, the term "eligible veteran" includes eligible person as such term is defined in section 1701(a)(1) of this title.

(g)(1) The Administrator shall conduct, on a continuing basis, a review of the default experience with respect to loans made under this section.

(2)(A) To ensure that loans are made under this section on the basis of financial need directly related to the costs of education, the Administrator may, by regulation, establish (i) criteria for eligibility for such loans, in addition to the criteria and requirements prescribed by subsection (c) and (d) of this section, in order to limit eligibility for such loans to eligible veterans and eligible persons attending educational institutions with relatively high rates of tuition and fees, and (ii) criteria under which the Administrator may prescribe a repayment period for certain types of loans made under this section that is shorter than the repayment period otherwise applicable under subsection (d)(1)(A) of this section. Criteria established by the Administrator under clause (i) of the preceding sentence may include a minimum amount of tuition and fees that an eligible veteran or eligible person may pay in order to be eligible for such

a loan (except that any such criterion shall not apply with respect to a loan for which the veteran is eligible as a result of an extension of the period of eligibility of such veteran for loans under this section provided for by section 1662(a)(2) of this title).

(B) In prescribing regulations under subparagraph (A) of this paragraph, the Administrator shall take into consideration information developed in the course of the review required by paragraph (1) of this subsection.

(C) Regulations may be prescribed under subparagraph (A) of this paragraph only after opportunity has been afforded for public comment thereon.

(As amended Pub. L. 95-202, title I, § 104(3), title II, § 202, Nov. 23, 1977, 91 Stat. 1435, 1438, 1439; Pub. L. 95-476, title II, § 201, Oct. 18, 1978, 92 Stat. 1502.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-476, § 201(1), inserted "and the criteria established under subsection (g) of this section" following "subsection (c) of this section".

Subsec. (c)(3). Pub. L. 95-476, § 201(2)(C), added cl. (3).

Subsec. (d)(1). Pub. L. 95-476, § 201(3), substituted "installments (A) over" for "installments over" and added cl. (B).

Subsec. (e)(3). Pub. L. 95-476, § 201(4), substituted provisions requiring the Administrator to submit to the appropriate committees of Congress not later than Dec. 31 of each year a report on the results of the continuing default experience review required by subsec. (g)(1) of this section and specifying the data to be included in each such report for provisions requiring the Administrator to submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives, not later than one year after Dec. 3, 1974, and annually thereafter, separate default experience reports regarding accelerated and non-accelerated repayment loans.

Subsec. (f)(3). Pub. L. 95-476, § 201(5), substituted "section 1701(a)(1)" for "section 1701(1)".

Subsec. (g). Pub. L. 95-476, § 201(6), added subsec. (g).

1977—Subsec. (b)(3). Pub. L. 95-202, §§ 104(3), 202(1), substituted "$311" for "$292" and "$2,500" for "$1,500".

Subsec. (c)(1). Pub. L. 95-202, § 202(2)(A), authorized the Administrator to waive the requirements of subclause (B), in whole or in part, if the Administrator determines, pursuant to regulations which the Administrator prescribes, that it is in the interest of the eligible veteran and the Federal Government.

Subsec. (c)(2). Pub. L. 95-202, § 202(2)(B), redesignated (d)(3) as (2). Former (d)(2), directing that the agreement include a provision for acceleration of repayment of all or any part of the loan, without penalty, at the option of the borrower, was stricken.

Subsec. (c)(3). Pub. L. 95-202, § 202(2)(B), redesignated (d)(3) as (2).

Subsec. (e)(3). Pub. L. 95-202, § 202(3), added "separately with respect to loans made under this section the repayment of which is accelerated under section 1682A of this title and loans made under this section the repayment of which is not so accelerated" following "default rate at all such institutions".

Subsec. (f). Pub. L. 95-202, § 202(4), added subsec. (f).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment of section by Pub. L. 95-476 effective Oct. 18, 1978, see section 205(a) of Pub. L. 95-476, set out as an Effective Date of 1978 Amendment note under section 903 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Substitution of "$311" for "$292" in subsec. (b)(3) of this section by Pub. L. 95-202 effective retroactively to Oct. 1, 1977, see section 501 of Pub. L. 95-202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

Substitution of "$2,500" for "$1,500" in subsec. (b)(3), amendment of subsecs. (c) and (e)(3), and enactment of subsec. (f) of this section by Pub. L. 95-202 effective Jan. 1, 1978, see section 501 of Pub. L. 95-202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions and offices (relating to education) of the Secretary and Department of Health, Education, and Welfare to the Secretary and Department of Education, and termination of certain offices and positions, see sections 3441 and 3503 of Title 20, Education.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1682A, 1686, 1737, 1799 of this title.

§ 1799. Revolving fund; insurance

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1682A, 1686, 1737, 1798 of this title.

CHAPTER 37—HOME, CONDOMINIUM, AND MOBILE HOME LOANS

SUBCHAPTER II—LOANS

Sec.
1818. Service after January 31, 1955, and prior to August 5, 1964, or after May 7, 1975.

SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

1828. Exemption from State anti-usury provisions.

AMENDMENTS

1979—Pub. L. 96-128, title IV, § 401(b), Nov. 28, 1979, 93 Stat. 987, added item 1828.

1978—Pub. L. 95-476, title I, § 106(b), Oct. 18, 1978, 92 Stat. 1500, substituted in item 1818 "Service after January 31, 1955, and prior to August 5, 1964, or after May 7, 1975" for "Veterans who serve after January 31, 1955".

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 101, 109, 211, 521, 804, 3102 of this title; title 12 sections 371, 1430, 1464, 1709, 1709-1, 1709-1a, 1717, 1720, 1721, 1723e, 1731a, 1735g, 2803.

SUBCHAPTER I—GENERAL

§ 1802. Basic entitlement

(a) Each veteran who served on active duty at any time during World War II, the Korean conflict, or the Vietnam era and whose total service was for ninety days or more, or who was discharged or released from a period of active duty, any part of which occurred during World War II, the Korean conflict, or the Vietnam era, for a service-connected disability, shall be eligible for the benefits of this chapter. In the case of any veteran who served on active duty during two or more of the periods specified in the preceding sentence, or in section 1818 of this title, for which eligibility for the benefits under this chapter may be granted, entitlement

derived from service during the most recent such period (1) shall cancel any unused entitlement derived from service during any earlier such period, and (2) shall be reduced by the amount by which entitlement from service during any earlier such period has been used to obtain a direct, guaranteed, or insured loan—

[*See main edition for text of (A) and (B)*]

(b) In computing the aggregate amount of guaranty or insurance entitlement available to a veteran under this chapter, the Administrator may exclude the amount of guaranty or insurance entitlement used for any guaranteed, insured, or direct loan, if—

(1)(A) the property which secured the loan has been disposed of by the veteran or has been destroyed by fire or other natural hazard; and

(B) the loan has been repaid in full, or the Administrator has been released from liability as to the loan, or if the Administrator has suffered a loss on such loan, the loss has been paid in full; or

(2) an immediate veteran-transferee has agreed to assume the outstanding balance on the loan and consented to the use of the veteran-transferee's entitlement, to the extent that the entitlement of the veteran-transferor had been used originally, in place of the veteran-transferor's for the guaranteed, insured, or direct loan, and the veteran-transferee otherwise meets the requirements of this chapter.

The Administrator may, in any case involving circumstances the Administrator deems appropriate, waive one or more of the conditions prescribed in clause (1) of the preceding sentence.

[*See main edition for text of (c) to (g)*]

(As amended Pub. L. 95–476, title I, § 102, Oct. 18, 1978, 92 Stat. 1497.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95–476, § 102(a), added provisions entitling Vietnam era veterans to the benefits of this chapter and including such veterans in the cancellation of unused entitlement derived from earlier service and the reduction of current entitlement provisions of this subsection.

Subsec. (b). Pub. L. 95–476, § 102(b), redesignated cl. (1) as (1)(A), cl. (2) as (B), cl. (3) as (2), and deleted reference to cl. (2) in provision authorizing the Administrator to waive certain conditions prescribed in this subsection.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 108 of Pub. L. 95–476 provided that:

"(a) Except as provided in subsection (b) of this section, the amendments made by this title [amending sections 802, 1802, 1803, 1810, 1811, 1818, and 1819 of this title and enacting provisions set out as a note under section 101 of this title] shall take effect on October 1, 1978.

"(b) The amendment made by clause (1) of section 104 of this title [amending section 1810(a)(6) of this title] shall take effect on July 1, 1979, except with respect to the authority to prescribe regulations for the implementation of such amendment, which shall be effective on the date of the enactment of this Act [Oct. 18, 1978]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1818, 1819 of this title.

§ 1803. Basic provisions relating to loan guaranty

(a)(1) Any loan to a veteran eligible for benefits under this chapter, if made for any of the purposes, and in compliance with the provisions, specified in this chapter is automatically guaranteed by the United States in an amount not more than 60 per centum of the loan if the loan is made for any of the purposes specified in section 1810 of this title.

[*See main edition for text of (2); (b)*]

(c)(1) Loans guaranteed or insured under this chapter shall be payable upon such terms and conditions as may be agreed upon by the parties thereto, subject to the provisions of this chapter and regulations of the Administrator issued pursuant to this chapter, and shall bear interest not in excess of such rate as the Administrator may from time to time find the loan market demands, except that in establishing the rate of interest that shall be applicable to such loans, the Administrator shall consult with the Secretary of Housing and Urban Development regarding the rate of interest the Secretary considers necessary to meet the mortgage market for home loans insured under section 203(b) of the National Housing Act, and, to the maximum extent practicable, carry out a coordinated policy on interest rates on loans insured under such section 203(b) and on loans guaranteed or insured under this chapter. In establishing rates of interest under this paragraph for one or more of the purposes described in clauses (4) and (7) of section 1810(a) of this title, the Administrator may establish a rate or rates higher than the rate specified for other purposes under such section, but any such rate may not exceed such rate as the Administrator may from time to time find the loan market demands for loans for such purposes.

[*See main edition for text of (2)*]

(3) This section shall not be construed to prohibit a veteran from paying to a lender any reasonable discount required by such lender, when the proceeds from the loan are to be used:

(A) to refinance indebtedness pursuant to section 1810(a)(5);

(B) to repair, alter, or improve a farm residence or other dwelling pursuant to clauses (4) and (7) of section 1810(a) of this title;

[*See main edition for text of (C) and (D); (d)*]

(As amended Pub. L. 95–476, title I, § 103, Oct. 18, 1978, 92 Stat. 1498.)

AMENDMENTS

1978—Subsec. (a)(1). Pub. L. 95–476, § 103(a), substituted provision extending loan guarantees under this section to veterans eligible for benefits under this chapter for provision limiting such guarantees to World War II or Korean conflict veterans.

Subsec. (c)(1). Pub. L. 95–476, § 103(b)(1), added provision authorizing the Administrator in establishing rates of interest under this paragraph for purposes of

cls. (4) to (7) of section 1810(a) of this title to establish rates higher than the rate specified for other purposes under such section but not in excess of the rate the Administrator may find the loan market demands for loans for such purposes.

Subsec. (c)(3)(B). Pub. L. 95-476, § 103(b)(2), substituted "clauses (4) and (7) of section 1810(a) of this title" for "section 1810(a)(4)".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment of this section by Pub. L. 95-476 effective Oct. 1, 1978, see section 108(a) of Pub. L. 95-476, set out as an Effective Date of 1978 Amendment note under section 1802 of this title.

SUBCHAPTER II—LOANS

§ 1810. Purchase or construction of homes

(a) Any loan to a veteran, if made pursuant to the provisions of this chapter, is automatically guaranteed if such loan is for one or more of the following purposes:

[*See main edition for text of (1) to (5)*]

(6) To purchase a one-family residential unit in a condominium housing development or project, if such development or project is approved by the Administrator under criteria which the Administrator shall prescribe in regulations.

(7) To improve a dwelling or farm residence owned by the veteran and occupied by the veteran as the veteran's home through the installation of a solar heating system, a solar heating and cooling system, or a combined solar heating and cooling system or through the application of a residential energy conservation measure.

If there is an indebtedness which is secured by a lien against land owned by the veteran, the proceeds of a loan guaranteed under this section or made under section 1811 of this title for construction of a dwelling or farm residence on such land may be used also to liquidate such lien, but only if the reasonable value of the land is equal to or greater than the amount of the lien.

[*See main edition for text of (b)*]

(c) The amount of guaranty entitlement available to a veteran under this section shall not be more than $25,000 less such entitlement as may have been used previously under this section and other sections of this chapter.

(d) For the purposes of subsection (a)(7) of this section:

(1) The term "solar heating" has the meaning given such term in section 3(1) of the Solar Heating and Cooling Demonstration Act of 1974 (42 U.S.C. 5502(1)) and, in addition, includes a passive system based on conductive, convective, or radiant energy transfer.

(2) The terms "solar heating and cooling" and "combined solar heating and cooling" have the meaning given such terms in section 3(2) of the Solar Heating and Cooling Demonstration Act of 1974 (42 U.S.C. 5502(2)) and, in addition, include a passive system based on conductive, convective, or radiant energy transfer.

(3) The term "passive system" includes window and skylight glazing, thermal floors, walls, and roofs, movable insulation panels (when in conjunction with glazing), portions of a residential structure that serve as solar furnaces so as to add heat to the structure, double-pane window insulation, and such other energy-related components as are determined by the Administrator to enhance the natural transfer of energy for the purpose of heating or heating and cooling a residence.

(4) The term "residential energy conservation measure" means—

(A) caulking and weatherstripping of all exterior doors and windows;

(B) furnace efficiency modifications limited to—

(i) replacement burners, boilers, or furnaces designed to reduce the firing rate or to achieve a reduction in the amount of fuel consumed as a result of increased combustion efficiency,

(ii) devices for modifying flue openings which will increase the efficiency of the heating system, and

(iii) electrical or mechanical furnace ignition systems which replace standing gas pilot lights;

(C) clock thermostats;

(D) ceiling, attic, wall, and floor insulation;

(E) water heater insulation;

(F) storm windows and doors;

(G) heat pumps; and

(H) such other energy conservation measures as the Administrator may identify for the purposes of this clause.

(As amended Pub. L. 95-476, title I, §§ 104, 105(a), Oct. 18, 1978, 92 Stat. 1498, 1499.)

AMENDMENTS

1978—Subsec. (a)(6). Pub. L. 95-476, § 104(1), deleted requirement that the purchased residential unit be in a new condominium development, deleted provision that such unit could be in a structure built and sold as a condominium, and added provision that the criteria prescribed by the Administrator be prescribed through regulations.

Subsec. (a)(7). Pub. L. 95-476, § 104(2), added par. (7).

Subsec. (c). Pub. L. 95-476, § 105(a), substituted "$25,000" for "$17,500".

Subsec. (d). Pub. L. 95-476, § 104(3), added subsec. (d).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-476, effective Oct. 1, 1978, see section 108(a) of Pub. L. 95-476, set out as an Effective Date of 1978 Amendment note under section 1802 of this title.

Amendment of subsec. (a)(6) by Pub. L. 95-476 effective July 1, 1979, except with respect to the authority to prescribe regulations for the implementation of such amendment, which is effective Oct. 18, 1978, see section 108(b) of Pub. L. 95-476, set out as an Effective Date of 1978 Amendment note under section 1802 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1803, 1811, 1817, 1819 of this title.

§ 1811. Direct loans to veterans

[*See main edition for text of (a) to (c)*]

(d) [*See main edition for text of (1)*]

(2)(A) Except for any loan made under this chapter for the purposes described in section 1819 of this title, the original principal amount of any loan made under this section shall not exceed an amount which bears the same ratio to $33,000 as the amount of guaranty to which the veteran is entitled under section 1810 of this title at the time the loan is made bears to $25,000; and the guaranty entitlement of any veteran who heretofore or hereafter has been granted a loan under this section shall be charged with an amount which bears the same ratio to $25,000 as the amount of the loan bears to $33,000.

(B) The original principal amount of any loan made under this section for the purposes described in section 1819 of this title shall not exceed the amount that bears the same ratio to $33,000 as the amount of guaranty to which the veteran is entitled under such section at the time the loan is made bears to $17,500. The amount of the guaranty entitlement under section 1810(c) of this title of any veteran who is granted a loan under this section, or who before the date of the enactment of the Veterans' Housing Benefits Act of 1978 was granted a loan under this section, shall be charged with the amount that bears the same ratio to $17,500 as the amount of the loan bears to $33,000.

[*See main edition for text of (3); (e) to (k)*]

(As amended Pub. L. 95-476, title I, § 105(b), Oct. 18, 1978, 92 Stat. 1499.)

REFERENCES IN TEXT

The date of enactment of the Veterans' Housing Benefits Act of 1978, referred to in subsec. (d)(2)(B), is the date of enactment of Pub. L. 95-476, which was Oct. 18, 1978.

AMENDMENTS

1978—Subsec. (d)(2)(A). Pub. L. 95-476, § 105(b)(1), substituted "$25,000" for "$17,500" in two places.

Subsec. (d)(2)(B). Pub. L. 95-476, § 105(b)(2), substituted formula for determining the maximum amount of the original principal of any loan made under this section for purposes of section 1819 of this title for provision that such original amount was not to exceed the amount specified by the Administrator pursuant to section 1819(d) of this title and added provision relating to the amount of the guaranty entitlement under section 1810(c) of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment of this section by Pub. L. 95-476 effective Oct. 1, 1978, see section 108(a) of Pub. L. 95-476, set out as an Effective Date of 1978 Amendment note under section 1802 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1810, 1816, 1819, 1823 of this title.

§ 1818. Service after January 31, 1955, and prior to August 5, 1964, or after May 7, 1975

(a) Each veteran who served on active duty, any part of which occurred after January 31, 1955, and prior to August 5, 1964, or after May 7, 1975, and who—

[*See main edition for text of (1) and (2)*]

(3) was discharged or released from such active duty for a service-connected disability;

shall be eligible for the benefits of this chapter, subject to the provisions of section 1802(a) of this title and the provisions of this section.

(b) Any entitlement to the benefits of this section which had not expired as of the date of enactment of the Veterans' Housing Act of 1970 and any entitlement to such benefits accruing after such date shall not expire until used.

[(c) Redesignated (b)]

(As amended Pub. L. 95-476, title I, § 106(a), Oct. 18, 1978, 92 Stat. 1499.)

REFERENCES IN TEXT

The date of enactment of the Veterans' Housing Act of 1970, referred to in subsec. (b), is the date of enactment of Pub. L. 91-506, which was approved Oct. 23, 1970.

AMENDMENTS

1978—Pub. L. 95-476, § 106(a)(5), substituted "Service after January 31, 1955, and prior to August 5, 1964, or after May 7, 1975" in section catchline for "Veterans who serve after January 31, 1955".

Subsec. (a). Pub. L. 95-476, § 106(a)(1), (3), inserted "and prior to August 5, 1964, or after May 7, 1975" following "January 31, 1955" and "the provisions of section 1802(a) of this title and" following "subject to".

Subsec. (a)(3). Pub. L. 95-476, § 106(a)(2), substituted "such active duty" for "active duty after such date".

Subsec. (b). Pub. L. 95-476, § 106(a)(4), redesignated former subsec. (c) as (b). Former subsec. (b) providing that benefit entitlement under subsec. (a) would cancel unused entitlement under other provisions of this chapter and that such entitlement would be reduced by benefit entitlement previously used under such other provisions was struck out.

Subsec. (c). Pub. L. 95-476, § 106(a)(4), redesignated former subsec. (c) as (b).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment of this section by Pub. L. 95-476 effective Oct. 1, 1978, see section 108(a) of Pub. L. 95-476, set out as an Effective Date of 1978 Amendment note under section 1802 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1802 of this title.

§ 1819. Loans to purchase mobile homes and mobile home lots

(a)(1) Notwithstanding any other provision of this chapter, any loan to a veteran eligible for the benefits of this chapter, if made pursuant to the provisions of this section, may be guaranteed if such loan is for one of the following purposes:

(A) To purchase a lot on which to place a mobile home already owned by the veteran.

(B) To purchase a single-wide mobile home.

(C) To purchase a single-wide mobile home and a lot on which to place such home.

(D) To purchase a double-wide mobile home.

(E) To purchase a double-wide mobile home and a lot on which to place such home.

(2) A loan for any of the purposes described in paragraph (1) of this subsection may include an amount determined by the Administrator to be appropriate to cover the cost of necessary preparation of a lot already owned or to be ac-

quired by the veteran, including the costs of installing utility connections and sanitary facilities, of paving, and of constructing a suitable pad for the mobile home.

(3) Any loan made for the purposes described in clause (C) or (E) of paragraph (1) of this subsection shall be considered as part of one loan. The transaction may be evidenced by a single loan instrument or by separate loan instruments for (A) that portion of the loan which finances the purchase of the mobile home, and (B) that portion of the loan which finances the purchase of the lot and the necessary preparation of such lot.

(b)(1) Use of entitlement under this section for the purchase of a mobile home unit shall preclude the use of remaining entitlement for the purchase of an additional mobile home unit until the unit which secured the loan has been disposed of by the veteran or has been destroyed by fire or other natural hazard.

(2) The Administrator shall restore entitlement to all loan guaranty benefits under this chapter for the veteran when the conditions prescribed in section 1802(b) of this title have been met.

(c)(1) Loans for any of the purposes authorized by subsection (a) of this section shall be submitted to the Administrator for approval prior to the closing of the loan, except that the Administrator may exempt any lender of a class listed in section 1802(d) of this title from compliance with such prior approval requirement if the Administrator determines that the experience of such lender or class of lenders in mobile home financing warrants such exemption.

[*See main edition for text of (2)*]

(3) The Administrator's guaranty may not exceed the lesser of 50 per centum of the loan amount or the maximum loan guaranty entitlement available, not to exceed $17,500. Payment of a claim under such guaranty shall be made only after liquidation of the security for the loan and the filing of an accounting with the Administrator. In any such accounting the Administrator shall permit to be included therein accrued unpaid interest from the date of the first uncured default to such cutoff date as the Administrator may establish, and the Administrator shall allow the holder of the loan to charge against the liquidation or resale proceeds, accrued interest from the cutoff date established to such further date as the Administrator may determine and such costs and expenses as the Administrator determines to be reasonable and proper. The liability of the United States under the guaranty provided for by this section shall decrease or increase pro rata with any decrease or increase of the amount of the unpaid portion of the obligation.

(4) The amount of guaranty entitlement available to a veteran under this section shall not be more than $17,500, less the amount of any such entitlement as may have been used under this section. Use of entitlement under section 1810 or 1811 of this title shall reduce entitlement available for use under this section to the same extent that entitlement available under such section 1810 is reduced below $17,500.

(d)(1) The maturity of any loan guaranteed under this section shall not be more than—

(A) fifteen years and thirty-two days, in the case of a loan for the purchase of—

(i) a lot;

(ii) a single-wide mobile home; or

(iii) a single-wide mobile home and a lot; or

(B) twenty years and thirty-two days, in the case of a loan for the purchase of—

(i) a double-wide mobile home; or

(ii) a double-wide mobile home and a lot.

(2) Nothing in paragraph (1) of this subsection shall preclude the Administrator, under regulations which the Administrator shall prescribe, from consenting to necessary advances for the protection of the security or the holder's lien, to a reasonable extension of the term of such loan, or to a reasonable reamortization of such loan.

(e) No loan shall be guaranteed under this section unless—

[*See main edition for text of (1) to (3)*]

(4) the amount of the loan to be paid by the veteran is not in excess of the amount determined to be reasonable, based upon—

(A) with respect to any portion of the loan to purchase a new mobile home, such cost factors as the Administrator considers proper to take into account;

(B) with respect to any portion of the loan to purchase a used mobile home, the reasonable value of the property, as determined by the Administrator;

(C) with respect to any portion of the loan to purchase a lot, the reasonable value of such lot, as determined by the Administrator; and

(D) with respect to any portion of the loan to cover the cost of necessary site preparation, an appropriate amount, as determined by the Administrator:

[*See main edition for text of (5) to (7); (f)*]

(g) The Administrator shall promulgate such regulations as the Administrator determines to be necessary or appropriate in order to fully implement the provisions of this section, and such regulations may specify which provisions in other sections of this chapter the Administrator determines should be applicable to loans guaranteed or made under this section. The Administrator shall have such powers and responsibilities in respect to matters arising under this section as the Administrator has in respect to loans made or guaranteed or under other sections of this chapter.

(h)(1) No loan for the purchase of a mobile home shall be guaranteed under this section unless the mobile home and lot, if any, meet or exceed standards for planning, construction, and general acceptability as prescribed by the Administrator and no loan for the purchase of a lot on which to place a mobile home owned by a veteran shall be guaranteed under this section unless the lot meets such standards pre-

scribed for mobile home lots. Such standards shall be designed to encourage the maintenance and development of sites for mobile homes which will be attractive residential areas and which will be free from, and not substantially contribute to, adverse scenic or environmental conditions.

(2)(A) For the purpose of assuring compliance with the standards prescribed under paragraph (1) of this subsection, the Administrator shall from time to time inspect the manufacturing process of manufacturers of mobile homes sold to veterans utilizing assistance under this chapter. For the purpose stated in the preceding sentence and for the additional purpose of monitoring safety factors involved in the installation of mobile homes purchased through the utilization of assistance under this chapter, the Administrator shall from time to time conduct random onsite inspections of mobile homes purchased through the utilization of such assistance.

(B) The Administrator may, with the agreement of the Secretary of Housing and Urban Development, delegate to the Secretary of Housing and Urban Development the duty of the Administrator under subparagraph (A) of this paragraph to inspect the manufacturing process of manufacturers of mobile homes, but any such delegation shall be subject to an agreement that the Secretary of Housing and Urban Development, upon the request of the Administrator, shall promptly provide the Administrator with the complete results of any inspection made by the Secretary pursuant to such delegation. The Administrator shall have the right to withdraw any delegation under the preceding sentence at any time and in whole or in part.

(i) The Administrator shall require the manufacturer to become a warrantor of any new mobile home which is approved for purchase with financing through the assistance of this chapter and to furnish to the purchaser a written warranty in such form as the Administrator shall require. Such warranty shall include (1) a specific statement that the mobile home meets the standards prescribed by the Administrator pursuant to the provisions of subsection (h) of this section; and (2) a provision that the warrantor's liability to the purchaser or owner is limited under the warranty to instances of substantial nonconformity to such standards which become evident within one year from date of purchase and as to which the purchaser or owner gives written notice to the warrantor not later than ten days after the end of the warranty period. The warranty prescribed herein shall be in addition to, and not in derogation of, all other rights and privileges which such purchaser or owner may have under any other law or instrument and shall so provide in the warranty document.

(j) Subject to notice and opportunity for a hearing, the Administrator is authorized to deny guaranteed or direct loan financing in the case of mobile homes constructed by any manufacturer who refuses to permit the inspections provided for in subsection (h) of this section; or in the case of mobile homes which are determined by the Administrator not to conform to the aforesaid standards; or where the manufacturer of mobile homes fails or is unable to discharge the manufacturer's obligations under the warranty.

(k) Subject to notice and opportunity for a hearing, the Administrator may refuse to approve as acceptable any site in a mobile home park or subdivision owned or operated by any person whose rental or sale methods, procedures, requirements, or practices are determined by the Administrator to be unfair or prejudicial to veterans renting or purchasing such sites. The Administrator may also refuse to guarantee or make direct loans for veterans to purchase mobile homes offered for sale by any dealer if substantial deficiencies have been discovered in such homes, or if the Administrator determines that there has been a failure or indicated inability of the dealer to discharge contractual liabilities to veterans, or that the type of contract of sale or methods, procedures, or practices pursued by the dealer in the marketing of such properties have been unfair or prejudicial to veteran purchasers.

(*l*) The Administrator's annual report to Congress shall, beginning 12 months following the date of enactment of the Veterans' Housing Act of 1970, include a report on operations under this section, including the results of inspections required by subsection (h) of this section, experience with compliance with the warranty required by subsection (i) of this section, and the experience regarding defaults and foreclosures.

(m) The provisions of sections 1804(d) and section 1821 of this chapter shall be fully applicable to lenders making guaranteed mobile home loans and mobile home lot loans and holders of such loans.

[(n) Redesignated (m)]

(As amended Pub. L. 95–476, title I, § 107, Oct. 18, 1978, 92 Stat. 1500.)

REFERENCES IN TEXT

The date of enactment of the Veteran's Housing Act of 1970, referred to in subsec. (*l*), is the date of enactment of Pub. L. 91–506, which was approved on Oct. 23, 1970.

AMENDMENTS

1978—Subsec. (a). Pub. L. 95–476, § 107(a), substituted provisions that loans to eligible veterans could be guaranteed if such loans were for certain approved purposes, that such loans for any approved purpose could include an amount determined by the Administrator to be appropriate to cover the cost of necessary lot preparation, and that any loan under cls. (C) or (E) of par. (1) were to be considered one loan, evidenced either by a single instrument or separate instruments for the portions of the loan financing the purchase of the mobile home and the purchase and preparation of the lot for provision that any eligible veteran who had maximum entitlement available for use would be eligible for either the mobile home loan guaranty benefit or the mobile home lot loan guaranty benefit or both but that use of either would preclude use of any home loan guaranty entitlement under any other section until the loan guaranteed under this section had been paid in full.

Subsec. (b)(1). Pub. L. 95–476, § 107(a), substituted provision that use of the benefit entitlement under this section for purchase of a mobile home unit would preclude use of any remainder of the entitlement for purchase of an additional mobile home unit until the first unit had been disposed of or destroyed by natural

hazard for provision that a loan to purchase a mobile home under this section could include amounts to finance purchase of the lot and necessary preparation of the lot.

Subsec. (b)(2). Pub. L. 95-476, § 107(a), substituted provision authorizing the Administrator to restore full benefit entitlement to a veteran under this chapter when conditions prescribed in section 1802(b) of this title had been met for provision authorizing loans to purchase and prepare a mobile home lot when the veteran already owned such a mobile home.

Subsec. (c)(1). Pub. L. 95-476, § 107(b)(1), deleted provisions relating to the eligible purposes of mobile home loans under this section.

Subsec. (c)(3). Pub. L. 95-476, § 107(b)(2), substituted provision limiting the liability of the Administrator under the loan guaranty to a maximum of the lesser of 50 per centum of the loan amount or the maximum loan guaranty entitlement available, not to exceed $17,500, for provision limiting the Administrator's guaranty to a maximum of 50 per centum of the loan amount.

Subsec. (c)(4). Pub. L. 95-476, § 107(b)(3), added par. (4).

Subsec. (d). Pub. L. 95-476, § 107(c), deleted provisions establishing maximum loan amounts for guaranteed mobile home loans and increased the maturity for single-wide mobile home loans and lot-only loans from 12 years and 32 days to 15 years and 32 days.

Subsec. (e)(4). Pub. L. 95-476, § 107(d), substituted provisions authorizing the Administrator to determine reasonable maximum loan amounts for the purchase of new or used mobile homes and the purchase and preparation of mobile home lots for provision requiring, as a condition to guaranty, that loans not exceed certain maximum loan amounts for such purchases or preparation.

Subsec. (g). Pub. L. 95-476, § 107(e), redesignated former subsec. (h) as (g). Former subsec. (g) limiting to a single time the restoration of loan guaranty entitlement for any veteran for the purchase of a mobile home was struck out.

Subsec. (h)(1). Pub. L. 95-476, § 107(e), (f), redesignated former subsec. (i) as (h)(1) and, as so redesignated, deleted provision authorizing the Administrator to inspect the mobile home manufacturing process periodically as well as on-site inspections of existing mobile home units to assure compliance with certain standards of planning, construction, and general acceptability. Former subsec. (h) redesignated (g).

Subsec. (h)(2). Pub. L. 95-476, § 107(f), added par. (2).

Subsec. (i). Pub. L. 95-476, § 107(e), (g)(1), redesignated former subsec. (j) as (i) and, as so redesignated, substituted "subsection (h)" for "subsection (i)". Former subsec. (i) redesignated (h).

Subsec. (j). Pub. L. 95-476, § 107(e), (g)(1), redesignated former subsec. (k) as (j) and, as so redesignated, substituted "subsection (h)" for "subsection (i)". Former subsec. (j) redesignated (i).

Subsec. (k). Pub. L. 95-476, § 107(e), redesignated former subsec. (*l*) as (k). Former subsec. (k) redesignated (j).

Subsec. (*l*). Pub. L. 95-476, § 107(e), (g), redesignated former subsec. (m) as (*l*) and, as so redesignated, substituted "subsection (h)" and "subsection (i)" for "subsection (i)" and "subsection (j)", respectively. Former subsec. (*l*) redesignated (k).

Subsec. (m). Pub. L. 95-476, § 107(e), redesignated former subsec. (n) as (m). Former subsec. (m) redesignated (*l*).

Subsec. (n). Pub. L. 95-476, § 107(e), redesignated former subsec. (n) as (m).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment of this section by Pub. L. 95-476 effective Oct. 1, 1978, see section 108(a) of Pub. L. 95-476, set out as an Effective Date of 1978 Amendment note under section 1802 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1811 of this title.

SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

§ 1820. Powers of Administrator

(a) Notwithstanding the provisions of any other law, with respect to matters arising by reason of this chapter, the Administrator may—

(1) sue and be sued in the Administrator's official capacity in any court of competent jurisdiction, State or Federal, but nothing in this clause shall be construed as authorizing garnishment or attachment against the Administrator, the Veterans' Administration, or any of its employees;

[*See main edition for text of (2) to (6); (b) to (f)*]

(As amended Pub. L. 95-117, title IV, § 403(a), Oct. 3, 1977, 91 Stat. 1066.)

AMENDMENTS

1977—Subsec. (a)(1). Pub. L. 95-117 added prohibition relating to garnishment or attachment against the Administrator, etc.

EFFECTIVE DATE OF 1977 AMENDMENT

Section 403(b) of Pub. L. 95-117 provided that: "The amendment made by subsection (a) of this section [amending subsec. (a)(1) of this section] shall be effective on the date of enactment of this Act [Oct. 3, 1977]".

HOUSING SOLAR ENERGY AND WEATHERIZATION STUDY; REPORT NOT LATER THAN MARCH 1, 1978

Pub. L. 95-202, title III, § 311, Nov. 23, 1977, 91 Stat. 1449, which provided that the Administrator of Veterans' Affairs, in consultation with the Secretary of Energy and the Secretary of Housing and Urban Development, conduct a study to determine the most effective methods of using the programs carried out under, or amending the provisions of, this chapter in order to aid and encourage present and prospective veteran homeowners to install solar heating and cooling in their homes and to apply residential energy conservation measures and that a report on such study be submitted to Congress not later than Mar. 1, 1978, was omitted from the Code as executed.

§ 1828. Exemption from State anti-usury provisions

If, under any law of the United States, loans and mortgages insured under title I or title II of the National Housing Act are exempt from the application of the provisions of any State constitution or law limiting the rate or amount of interest, discount points, or other charges which may be charged, taken, received, or reserved by lenders, then loans guaranteed or insured under this chapter are also exempt from the application of such provisions.

(Added Pub. L. 96-128, title IV, § 401(a), Nov. 28, 1979, 93 Stat. 986.)

REFERENCES IN TEXT

The National Housing Act, referred to in text, is act June 27, 1934, ch. 847, 48 Stat. 1246, as amended. Title I of the National Housing Act is classified generally to subchapter I (§ 1702 et seq.) of chapter 13 of Title 12, Banks and Banking. Title II of such Act is classified principally to subchapter II (§ 1707 et seq.) of chapter

13 of Title 12. For complete classification of this Act to the Code, see section 1701 of Title 12 and Tables.

EFFECTIVE DATE

Section effective Nov. 28, 1979, see section 601(b) of Pub. L. 96-128, set out as an Effective Date of 1979 Amendment note under section 314 of this title.

CHAPTER 39—AUTOMOBILES AND ADAPTIVE EQUIPMENT FOR CERTAIN DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES

§ 1901. Definitions

For purposes of this chapter—

(1) The term "eligible person" means—

(A) any veteran entitled to compensation under chapter 11 of this title for any of the disabilities described in subclause (i), (ii), or (iii) below, if the disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service:

[*See main edition for text of* (i) *to* (iii)]

(B) any member of the Armed Forces serving on active duty who is suffering from any disability described in subclause (i), (ii), or (iii) of clause (A) of this paragraph if such disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service.

[*See main edition for text of* (2)]

(As amended Pub. L. 95-116, § 1(a), Oct. 3, 1977, 91 Stat. 1062.)

AMENDMENTS

1977—Par. (1). Pub. L. 95-116 struck out in cls. (A) and (B) "on or after September 16, 1940" following "or air service".

EFFECTIVE DATE OF 1977 AMENDMENT

Section 1(b) of Pub. L. 95-116 provided that: "The amendment made by subsection (a) of this section [amending this section] shall become effective October 1, 1977."

§ 1902. Assistance for providing automobile and adaptive equipment

(a) The Administrator, under regulations which he shall prescribe, shall provide or assist in providing an automobile or other conveyance to each eligible person by paying the total purchase price of the automobile or other conveyance (including all State, local, and other taxes) or $3,800, whichever is the lesser, to the seller from whom the eligible person is purchasing under a sales agreement between the seller and the eligible person.

[*See main edition for text of* (b) *to* (d)]

(As amended Pub. L. 95-479, title III, § 304, Oct. 18, 1978, 92 Stat. 1565.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-479 substituted "$3,800" for "$3,300".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-479 effective Oct. 1, 1978, see section 401(a) of Pub. L. 95-479, set out as an Effective Date of 1978 Amendment note under section 314 of this title.

§ 1904. Research and development

[*See main edition for text of* (a)]

(b) In carrying out subsection (a) of this section, the Administrator, through the Chief Medical Director, shall consult and cooperate with the Secretary of Health, Education, and Welfare and the Commissioner of the Rehabilitation Services Administration, Department of Health, Education, and Welfare, in connection with programs carried out under section 3(b) of the Rehabilitation Act of 1973 (Public Law 93-112; 87 Stat. 357) (relating to the development and support, and the stimulation of the development and utilization, including production and distribution of new and existing devices, of innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems), and section 204(b)(2) of such Act (relating to the establishment and support of Rehabilitation Engineering Research Centers).

(As amended Pub. L. 95-602, title I, § 122(f), Nov. 6, 1978, 92 Stat. 2987.)

REFERENCES IN TEXT

Section 3(b) of the Rehabilitation Act of 1973 and section 204(b)(2) of such Act, referred to in subsec. (b), are classified to section 702(b) and 762(b)(2), respectively, of Title 29, Labor. Section 3(b) of the Act was stricken and section 3(c), relating to expenditure of funds, was redesignated as section 3(b) by Pub. L. 95-602, § 122(a)(3), Nov. 6, 1978, 92 Stat. 2984.

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-602 substituted "and section 204(b)(2) of such Act" for "section 202(b)(2) of such Act" and struck out", and section 405 of such Act (relating to the Secretarial responsibilities for planning, analysis, promoting utilization of scientific advances, and information clearinghouse activities)" following "Research Centers)".

TRANSFER OF FUNCTIONS

For transfer of functions and offices of the Secretary and Department of Health, Education, and Welfare, including the Rehabilitation Services Administration and the Commissioner thereof, under the Rehabilitation Act of 1973 to the Secretary and Department of Education, see section 3441 of Title 20, Education.

CHAPTER 41—JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 29 section 823; title 42 section 1101.

§ 2002. Purpose

VETERAN'S EMPLOYMENT PROVISIONS

Pub. L. 93-567, title I, § 104, Dec. 31, 1974, 88 Stat. 1848, as amended by Pub. L. 94-444, § 12(a), Oct. 1, 1976, 90 Stat. 1483; Pub. L. 94-502, title VI, § 601(c), Oct. 15, 1976, 90 Stat. 2404, which authorized the Secretary of Labor to provide for an outreach and public information program for veterans utilizing, to the maximum extent, the Departments of Labor and Health, Education, and Welfare and the Veterans' Administration, was repealed by Pub. L. 95-524, § 7, Oct. 27, 1978, 92 Stat. 2021.

§ 2003. Assignment of veterans' employment representative

REFERENCES IN TEXT

The Comprehensive Employment and Training Act of 1973, referred to in par. (6), is Pub. L. 92-203, Dec. 28, 1973, 87 Stat. 839, as amended, now known as the Comprehensive Employment and Training Act, which is classified generally to chapter 17 (§ 801 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 29 and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 1101.

§ 2007. Administrative controls; annual report

[See main edition for text of (a) and (b)]

(c) The Secretary of Labor shall report annually to the Congress on the success of the Department of Labor and its affiliated State employment service agencies in carrying out the provisions of this chapter. The report shall include, by State, the number of recently discharged or released eligible veterans, veterans with service-connected disabilities, other eligible veterans, and eligible persons who request assistance through the public employment service and, of these, the number placed in suitable employment or job training opportunities or who were otherwise assisted, with separate reference to occupational training and public service employment under appropriate Federal law. The report shall also include any determination by the Secretary under section 2004, 2006, or 2007(a) of this title and a statement of the reasons for such determination.

(As amended Pub. L. 95-202, title III, § 309(b), Nov. 23, 1977, 91 Stat. 1446.)

AMENDMENTS

1977—Subsec. (c). Pub. L. 95-202 directed that "2004" be substituted for "2001". Since subsec. (c) already contained a reference to "2004" not "2001", the amendment has been carried as a reenactment of subsec. (c) without change.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective Nov. 23, 1977, see section 501 of Pub. L. 95-202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

CHAPTER 42—EMPLOYMENT AND TRAINING OF DISABLED AND VIETNAM ERA VETERANS

§ 2011. Definitions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2014 of this title; title 15 section 1022a; title 29 section 802; title 42 section 6706.

§ 2012. Veterans' employment emphasis under Federal contracts

[See main edition for text of (a)]

(b) If any disabled veteran or veteran of the Vietnam era believes any contractor has failed or refuses to comply with the provisions of the contractor's contract with the United States, relating to the employment of veterans, or if any veteran who is entitled to disability compensation under the laws administered by the Veterans' Administration believes that any such contractor has discriminated against such veteran because such veteran is a handicapped individual within the meaning of section 7(6) of the Rehabilitation Act of 1973 (29 U.S.C. 706(6)), such veteran may file a complaint with the Veterans' Employment Service of the Department of Labor. Such complaint shall be promptly referred to the Secretary who shall promptly investigate such complaint and shall take such action thereon as the facts and circumstances warrant consistent with the terms of such contract and the laws and regulations applicable thereto.

[See main edition for text of (c)]

(As amended Pub. L. 95-520, § 6(a), Oct. 26, 1978, 92 Stat. 1821.)

REFERENCES IN TEXT

Section 7(6) of the Rehabilitation Act of 1973 (29 U.S.C. 706(6)), referred to in subsec. (b), was amended and redesignated section 7(7) of the Act (29 U.S.C. 706(7) by Pub. L. 95-602, title I, § 122(a)(6), (8), Nov. 6, 1978, 92 Stat. 2984, 2985.

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-520 authorized filing of a complaint by a veteran entitled to disability compensation under laws administered by the Veterans' Administration based on a contractor's discrimination against the veteran because the veteran is handicapped.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 29 sections 815, 880.

§ 2014. Employment within the Federal Government

[See main edition for text of (a)]

(b)(1) To further the policy stated in subsection (a) of this section, veterans of the Vietnam era shall be eligible, in accordance with regulations which the Civil Service Commission shall prescribe, for veterans readjustment appointments, and for subsequent career-conditional appointments, under the terms and conditions specified in Executive Order Numbered 11521 (March 26, 1970), except that—

(A) such an appointment may be made up to and including the level GS-7 or its equivalent;

(B) a veteran of the Vietnam era shall be eligible for such an appointment without any time limitation with respect to eligibility for such an appointment; and

(C) a veteran of the Vietnam era who is entitled to disability compensation under the laws administered by the Veterans' Administration or whose discharge or release from active duty was for a disability incurred or aggravated in line of duty shall be eligible for such an appointment without regard to the number of years of education completed by such veteran.

(2) In this subsection, the term "veteran of the Vietnam era" has the meaning given such term in section 2011(2)(A) of this title.

(3) No veterans readjustment appointment may be made under authority of this subsection after September 30, 1981.

[*See main edition for text of* (c)]

(d) The Civil Service Commission shall be responsible for the review and evaluation of the implementation of this section and the activities of each such department, agency, and instrumentality to carry out the purpose and provisions of this section. The Commission shall periodically obtain and publish (on at least a semiannual basis) reports on such implementation and activities from each such department, agency, and instrumentality, including specification of the use and extent of appointments made under subsection (b) of this section and the results of the plans required under subsection (c) of this section. Each report under the preceeding sentence shall include in the specification of the use and extent of appointments made under subsection (b) of this section the following information (shown for all veterans and separately for veterans described in subsection (b)(1)(C) of this section and other veterans):

(1) The number of appointments made under such subsection since the last such report and the grade levels in which such appointments were made.

(2) The number of individuals receiving appointments under such subsection whose appointments were converted to career conditional appointments, or whose employment under such an appointment has terminated, since the last such report, together with a complete listing of categories of causes of appointment terminations and the number of such individuals whose employment has terminated falling into each such category.

(3) The number of such terminations since the last such report that were initiated by the department, agency, or instrumentality involved and the number of such terminations since the last such report that were initiated by the individual involved.

(4) A description of the education and training programs in which individuals appointed under such subsection are participating at the time of such report.

[*See main edition for text of* (e)]

(f) Notwithstanding section 2011 of this title, the terms "veteran" and "disabled veteran" as used in subsection (a) of this section shall have the meaning provided for under generally applicable civil service law and regulations.

(As amended Pub. L. 95–202, title III, § 308, Nov. 23, 1977, 91 Stat. 1445; Pub. L. 95–520, § 6(b), Oct. 26, 1978, 92 Stat. 1821.)

REFERENCES IN TEXT

GS–7, referred to in subsec. (b)(1)(A), is contained in the General Schedule which is set out under section 5332 of Title 5, Government Organization and Employees.

AMENDMENTS

1978—Subsec. (b). Pub. L. 95–520, § 6(b)(1), incorporated part of existing text in provisions designated par. (1), designated part of existing provision as item (A), increasing appointments to level GS–7 from GS–5, added items (B) and (C) and par. (2), designated part of existing text as par. (3), substituting Sept. 30, 1981, for June 30, 1978, as cut off date for veterans readjustment appointments, and struck out provisions: that in applying the one-year period of eligibility specified in section 2(a) of Ex. Ord. No. 11521 to a veteran or disabled veteran who enrolled, within one year following separation from the Armed Forces or following release from hospitalization or treatment following such separation in a program of education on more than a half-time basis, the time spent in such program of education was not to be counted; that the eligibility of the veteran for a readjustment appointment was to continue for not less than six months after the veteran first ceased to be enrolled therein on more than a half-time basis; and that directed the Chairman of the Civil Service Commission to report on the need for the continuation after June 30, 1978, of the authority for veterans readjustment appointments contained in subsec. (b), with the report to be submitted to the President and Congress not later than six months after enactment of the GI Bill Improvement Act of 1977 on Nov. 23, 1977.

Subsec. (d). Pub. L. 95–520, § 6(b)(2), substituted in second sentence "subsection (c) of this section" for "subsection (c) thereof" and added requirement that the reports include certain prescribed information.

Subsec. (f). Pub. L. 95–520, § 6(b)(3), substituted "as used in subsection (a) of this section" for "as used in this section".

1977—Subsec. (b). Pub. L. 95–202 added provision directing the Chairman of the Civil Service Commission to report on the need for the continuation after June 30, 1978, of the authority for veterans readjustment appointments contained in subsec. (b), with the report to be submitted to the President and Congress not later than six months after enactment of the GI Bill Improvement Act of 1977.

CHANGE OF NAME

The Secretary and Department of Health, Education, and Welfare was redesignated the Secretary and Department of Health and Human Services by section 3508 of Title 20, Education.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–202 effective Nov. 23, 1977, see section 501 of Pub. L. 95–202, set out as an Effective Date of 1977 Amendment note under section 101 of this title.

TRANSFER OF FUNCTIONS

All functions vested by statute in the United States Civil Service Commission were transferred to the Director of the Office of Personnel Management (except as otherwise specified) by Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, effective Jan. 1, 1979, as provided by section 1–102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

CONTENTS OF REPORTS ON VETERANS' READJUSTMENT APPOINTMENTS

Pub. L. 95–454, title III, § 307(b)(2), Oct. 13, 1978, 92 Stat. 1147, provided that: "The Director of the Office of Personnel Management shall include in the reports required by section 2014(d) of title 38, United States Code, the same type of information regarding the use of the authority provided in section 3112 of title 5, United States Code (as added by paragraph (1) of this subsection), as is required by such section 2014 with respect to the use of the authority to make veterans readjustment appointments."

CHAPTER 43—VETERANS' REEMPLOYMENT RIGHTS

§ 2023. Reemployment by the United States, territory, possession, or the District of Columbia

TRANSFER OF FUNCTIONS

All functions vested by statute in the United States Civil Service Commission were transferred to the Director of the Office of Personnel Management (except as otherwise specified) by Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 2023.

§ 2024. Rights of persons who enlist or are called to active duty; Reserves

REFERENCES IN TEXT

Section 309 of title 37, referred to in subsec. (f), was repealed with respect to administrative functions performed after September 30, 1980, by Pub. L. 96-107, title IV, § 404(a)(1), (b) Nov. 9, 1979, 93 Stat. 808.

PART IV—GENERAL ADMINISTRATIVE PROVISIONS

CHAPTER 51—APPLICATIONS, EFFECTIVE DATES, AND PAYMENTS

SUBCHAPTER III—PAYMENT OF BENEFITS

Sec.
3020. Payment of benefits; delivery.

AMENDMENTS

1977—Pub. L. 95-117, title IV, § 402(b)(2), Oct. 3, 1977, 91 Stat. 1066, struck out "by check" following "benefit" in item 3020.

SUBCHAPTER I—APPLICATIONS

§ 3001. Claims and forms

CHANGE OF NAME

The Secretary of Health, Education, and Welfare was redesignated the Secretary of Health and Human Services by section 3508 of Title 20, Education.

§ 3005. Joint applications for social security and dependency and indemnity compensation

CHANGE OF NAME

The Secretary of Health, Education, and Welfare was redesignated the Secretary of Health and Human Services by section 3508 of Title 20, Education.

SUBCHAPTER II—EFFECTIVE DATES

§ 3012. Effective dates of reductions and discontinuances

(a) Except as otherwise specified in this section, the effective date of reduction or discontinuance of compensation, or dependency and indemnity compensation, or pension shall be fixed in accordance with the facts found.

(b) The effective date of a reduction or discontinuance of compensation, dependency and indemnity compensation, or pension—

[See main edition for text of (1) to (3)]

(4) by reason of—

(A) change in income shall (except as provided in section 3112 of this title) be the last day of the month in which the change occurred; and

(B) change in corpus of estate shall be the last day of the calendar year in which the change occurred;

[See main edition for text of (5) to (10)]

(As amended Pub. L. 95-588, title III, § 303, Nov. 4, 1978, 92 Stat. 2506.)

AMENDMENTS

1978—Subsec. (b)(4). Pub. L. 95-588 restructured subsection and, as so restructured, provided that the effective date of a change in compensation by reason of a change in income would be the last day of the month in which the change occurred rather than the last day in the calendar year in which such change in income occurred.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-588, effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as an Effective Date of 1978 Amendment note under section 101 of this title.

SUBCHAPTER III—PAYMENT OF BENEFITS

§ 3020. Payment of benefits; delivery

[See main edition for text of (a) to (c)]

(d) Notwithstanding subsection (a) of this section, pursuant to an agreement with the Department of the Treasury under which the Administrator certifies such benefits for payment, monetary benefits under laws administered by the Veterans' Administration may be paid other than by check upon the written request of the person to whom such benefits are to be paid, if such noncheck payment is determined by the Administrator to be in the best interest of such payees and the management of monetary benefits programs by the Veterans' Administration.

(e) Whenever the first day of any calendar month falls on a Saturday, Sunday, or legal public holiday (as defined in section 6103 of title 5), the Administrator shall, to the maximum extent practicable, certify benefit payments for such month in such a way that such payments will be delivered by mail, or transmitted for credit to the payee's account pursuant to subsection (d) of this section, on the Friday immediately preceding such Saturday or Sunday, or in the case of a legal holiday, the weekday (other than Saturday) immediately preceding such legal public holiday, notwithstanding that such delivery or transmission of such payments is made in the same calendar month for which such payments are issued.

(As amended Pub. L. 95-117, title IV, § 402(a), (b)(1), Oct. 3, 1977, 91 Stat. 1065.)

AMENDMENTS

1977—Pub. L. 95-117, § 402(b)(1), struck out "by check" following "benefits" in the section catchline.

Subsecs. (d), (e). Pub. L. 95-117, § 402(a), added subsecs. (d) and (e).

EFFECTIVE DATE OF 1977 AMENDMENT

Section 402(c) of Pub. L. 95-117 provided that: "The amendments made by this section [amending this section] shall be effective on the date of enactment of this Act [Oct. 3, 1977]".

CHAPTER 53—SPECIAL PROVISIONS RELATING TO BENEFITS

Sec.
3112. Annual adjustment of certain benefit rates.

AMENDMENTS

1978—Pub. L. 95-588, title III, § 305(b), Nov. 4, 1978, 92 Stat. 2508, added item 3112.

§ 3101. Nonassignability and exempt status of benefits

[*See main edition for text of* (a) *to* (c)]

(d) In the case of a person who—

(1) has been determined to be eligible to receive pension or compensation under laws administered by the Veterans' Administration but for the receipt by such person of pay pursuant to any provision of law providing retired or retirement pay to members or former members of the Armed Forces or commissioned officers of the National Oceanic and Atmospheric Administration or of the Public Health Service; and

(2) files a waiver of such pay in accordance with section 3105 of this title in the amount of such pension or compensation before the end of the one-year period beginning on the date such person is notified by the Veterans' Administration of such person's eligibility for such pension or compensation.

the retired or retirement pay of such person shall be exempt from taxation, as provided in subsection (a) of this section, in an amount equal to the amount of pension or compensation which would have been paid to such person but for the receipt by such person of such pay.

(As amended Pub. L. 95-479, title III, § 301, Oct. 18, 1978, 92 Stat. 1564.)

AMENDMENTS

1978—Subsec. (d). Pub. L. 95-479 added subsec. (d).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-479 effective Oct. 1, 1978, see section 401 of Pub. L. 95-479, set out as an Effective Date of 1978 Amendment note under section 314 of this title.

UNDUE HARDSHIP CASES

Pub. L. 95-202, title III, § 305(c), Nov. 23, 1977, 91 Stat. 1444, provided that:

"(1) Where an educational institution—

"(A) has in its possession veterans' or eligible persons' benefit checks made payable to a veteran or eligible person and mailed to such educational institution for a course offered (i) under the provisions of subchapter VI of chapter 34 of title 38, United States Code, or (ii) at a location not in a State under the provisions of section 1676 of title 38, United States Code, and which course was commenced by such veteran or eligible person prior to December 1, 1976, and completed not later than June 30, 1977; and

"(B) holds a power of attorney executed by the veteran or eligible person prior to December 1, 1976, authorizing the educational institution to negotiate such benefit check,

the Administrator may, where the Administrator finds there is undue hardship on such educational institution, provide such relief as the Administrator determines equitable pursuant to regulations which the Administrator shall prescribe.

"(2) Where an accredited correspondence school—

"(A) has in its possession veterans' or eligible persons' benefit checks made payable to a veteran or eligible person and mailed to such school for lessons completed by the veteran or eligible person under section 1786 of this title and serviced by the school prior to January 1, 1977; and

"(B) holds a power of attorney executed by the veteran or eligible person prior to December 1, 1976, authorizing the school to negotiate such benefit check,

the Administrator may, where the Administrator finds that there is undue hardship on such educational institution and the courses were taken by veterans or eligible persons residing in a State, provide such relief as the Administrator determines equitable pursuant to regulations which the Administrator shall prescribe."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 708 of this title; title 26 section 126; title 42 section 417.

§ 3103. Certain bars to benefits

(a) The discharge or dismissal by reason of the sentence of a general court-martial of any person from the Armed Forces, or the discharge of any such person on the ground that he was a conscientious objector who refused to perform military duty or refused to wear the uniform or otherwise to comply with lawful orders of competent military authority, or as a deserter, or on the basis of an absence without authority from active duty for a continuous period of at least one hundred and eighty days if such person was discharged under conditions other than honorable unless such person demonstrates to the satisfaction of the Administrator that there are compelling circumstances to warrant such prolonged unauthorized absence, or of an officer by the acceptance of his resignation for the good of the service, or (except as provided in subsection (c)) the discharge of any individual during a period of hostilities as an alien, shall bar all rights of such person under laws administered by the Veterans' Administration based upon the period of service from which discharged or dismissed, notwithstanding any action subsequent to the date of such discharge by a board established pursuant to section 1553 of title 10.

[*See main edition for text of* (b) *to* (d)]

(e)(1) Notwithstanding any other provision of law, (A) no benefits under laws administered by the Veterans' Administration shall be provided, as a result of a change in or new issuance of a discharge under section 1553 of title 10, except upon a case-by-case review by the board of review concerned, subject to review by the Secretary concerned, under such section, of all the evidence and factors in each case under published uniform standards (which shall be historically consistent with criteria for determining honorable service and shall not include any criterion for automatically granting or denying such change or issuance) and procedures generally applicable to all persons administratively discharged or released from active

military, naval, or air service under other than honorable conditions; and (B) any such person shall be afforded an opportunity to apply for such review under such section 1553 for a period of time terminating not less than one year after the date on which such uniform standards and procedures are promulgated and published.

(2) Notwithstanding any other provision of law—

(A) no person discharged or released from active military, naval, or air service under other than honorable conditions who has been awarded a general or honorable discharge under revised standards for the review of discharges, (i) as implemented by the President's directive of January 19, 1977, initiating further action with respect to the President's Proclamation 4313 of September 16, 1974, (ii) as implemented on or after April 5, 1977, under the Department of Defense's special discharge review program, or (iii) as implemented subsequent to April 5, 1977, and not made applicable to all persons administratively discharged or released from active military, naval, or air service under other than honorable conditions, shall be entitled to benefits under laws administered by the Veterans' Administration except upon a determination, based on a case-by-case review, under standards (meeting the requirements of paragraph (1) of this subsection) applied by the board of review concerned under section 1553 of title 10, subject to review by the Secretary concerned, that such person would be awarded an upgraded discharge under such standards; and

(B) such determination shall be made by such board (i) on an expedited basis after notification by the Veterans' Administration to the Secretary concerned that such person has received, is in receipt of, or has applied for such benefits or after a written request is made by such person or such determination, (ii) on its own initiative within one year after the date of enactment of this paragraph in any case where a general or honorable discharge has been awarded on or prior to the date of enactment of this paragraph under revised standards referred to in clause (A)(i), (ii), or (iii) of this paragraph, or (iii) on its own initiative at the time a general or honorable discharge is so awarded in any case where a general or honorable discharge is awarded after such enactment date.

If such board makes a preliminary determination that such person would not have been awarded an upgraded discharge under standards meeting the requirements of paragraph (1) of this subsection, such person shall be entitled to an appearance before the board, as provided for in section 1553(c) of title 10, prior to a final determination on such question and shall be given written notice by the board of such preliminary determination and of his or her right to such appearance. The Administrator shall, as soon as administratively feasible, notify the appropriate board of review of the receipt of benefits under laws administered by the Veterans' Administration, or of the application for such benefits, by any person awarded an upgraded discharge under revised standards referred to in clause (A)(i), (ii), or (iii) of this paragraph with respect to whom a favorable determination has not been made under this paragraph.

(As amended Pub. L. 95–126, § 1(a), Oct. 8, 1977, 91 Stat. 1106.)

REFERENCES IN TEXT

President's Proclamation 4313 of Sept. 16, 1974, referred to in subsec. (e)(2)(A), is set out as a note under section 462 of Title 50, App., War and National Defense.

"Date of enactment of this paragraph" and "such enactment date", referred to in subsec. (e)(2)(B), mean Oct. 8, 1977, the date on which Pub. L. 95–126, § 1(a)(2), enacted subsec. (e) of this section.

AMENDMENTS

1977—Subsec. (a). Pub. L. 95–126, § 1(a)(1), added provisions barring a person in the Armed Forces from being a recipient of benefits when discharged on the basis of an absence without authority from active duty for a continuous period of at least one hundred and eighty days if such person was discharged under conditions other than honorable unless such person demonstrates to the satisfaction of the Administrator that there are compelling circumstances to warrant such prolonged unauthorized absence and barred benefits notwithstanding any action subsequent to the date of such discharge by a board established pursuant to section 1553 of Title 10.

Subsec. (e). Pub. L. 95–126, § 1(a)(2), added subsec. (e).

EFFECTIVE DATE OF 1977 AMENDMENT

Section 5 of Pub. L. 95–126 provided that:

"This Act [amending this section and section 101(18) of this title and enacting provisions set out as notes under this section] shall become effective on the date of its enactment [Oct. 8, 1977], except that—

"(1) section 2 [set out as a note below] shall become effective on October 1, 1977, or on such enactment date, whichever is later; and

"(2) the amendments made by section 1(a) [amending subsec. (a) and enacting subsec. (e) of this section] shall apply retroactively to deny benefits under laws administered by the Veterans' Administration, except that, notwithstanding any other provision of law—

"(A) with respect to any person who, on such enactment date [Oct. 8, 1977] is receiving benefits under laws administered by the Veterans' Administration, (i) such benefits shall not be terminated under paragraph (2) of section 3103(e) of title 38, United States Code, as added by section 1(a)(2) of this Act, until (I) the day on which a final determination not favorable to the person concerned is made on an expedited basis under paragraph (2) of such section 3103(e), (II) the day following the expiration of ninety days after a preliminary determination not favorable to such person is made under such paragraph, or (III) the day following the expiration of one hundred and eighty days after such enactment date, whichever day is the earliest, and (ii) the United States shall not make any claim to recover the value of any benefits provided to such person prior to such earliest day;

"(B) with respect to any person awarded a general or honorable discharge under revised standards for the review of discharges referred to in clause (A) (i), (ii), or (iii) of such paragraph who has been provided any such benefits prior to such enactment date [Oct. 8, 1977], the United States shall not make any claim to recover the value of any benefits so provided; and

"(C) the amendments made by clause (1) of section 1(a) [to subsec. (a) of this section] shall apply

(i) retroactively only to persons awarded general or honorable discharges under such revised standards and to persons who, prior to the date of enactment of this Act [Oct. 8, 1977], had not attained general eligibility for such benefits by virtue of (I) a change in or new issuance of a discharge under section 1553 of title 10, United States Code, or (II) any other provision of law, and (ii) prospectively (on and after such enactment date [Oct. 8, 1977]) to all other persons."

EXPEDITED DETERMINATIONS AFTER INFORMATION AND NOTIFICATION TO PERSONS AWARDED GENERAL OR HONORABLE DISCHARGES; PROCEDURES FOR APPLICATION TO TITLE 10 § 1552 BOARD AND TO ADMINISTRATOR OF VETERANS' AFFAIRS

Pub. L. 95-126, § 1(b), Oct. 8, 1977, 91 Stat. 1107, effective Oct. 8, 1977, provided that:

"(1) The Secretary of Defense shall fully inform each person awarded a general or honorable discharge under revised standards for the review of discharges referred to in section 3103(e)(2)(A) (i), (ii), or (iii) of title 38, United States Code, as added by subsection (a)(2) of this section, of his or her right to obtain an expedited determination under section 3103(e)(2)(B)(i) of such title and of the implications of the provisions of this Act [amending this section and section 101(18) of this title and enacting provisions set out as notes under this section] for each such person.

"(2) Notwithstanding any other provision of law, the Secretary of Defense shall inform each person who applies to a board of review under section 1553 of title 10, United States Code, and who appears to have been discharged under circumstances which might constitute a bar to benefits under section 3103(a) of title 38, United States Code, (A) that such person might possibly be administratively found to be entitled to benefits under laws administered by the Veterans' Administration only through the action of a board for the correction of military records under section 1552 of such title 10 or the action of the Administrator of Veterans' Affairs under section 3103 of such title 38, and (B) of the procedures for making application to such section 1552 board for such purpose and to the Administrator of Veterans' Affairs for such purpose (including the right to proceed concurrently under such sections 3103, 1552, and 1553)."

HEALTH CARE AND BENEFITS FOR DISABILITY DURING ACTIVE SERVICE IN LINE OF DUTY, EXCEPT WHEN BARRED UNDER SUBSEC. (a) OR BY BAD CONDUCT DISCHARGE

Pub. L. 95-126, § 2, Oct. 8, 1977, 91 Stat. 1107, effective Oct. 8, 1977, provided that: "Notwithstanding any other provision of law, the Administrator of Veterans' Affairs shall provide the type of health care and related benefits authorized to be provided under chapter 17 of title 38, United States Code, for any disability incurred or aggravated during active military, naval, or air service in line of duty by a person other than a person barred from receiving benefits by section 3103(a) of such title, but shall not provide such health care and related benefits pursuant to this section for any disability incurred or aggravated during a period of service from which such person was discharged by reason of a bad conduct discharge."

REGULATIONS RESPECTING STANDARDS AND PROCEDURES FOR DETERMINATION OF SEPARATION FROM ACTIVE SERVICE UNDER CONDITIONS OTHER THAN DISHONORABLE FREE OF UNIQUE OR SPECIAL ADVANTAGES OR SPECIAL DISTINCTIONS BETWEEN VETERANS

Pub. L. 95-126, § 4, Oct. 8, 1977, 91 Stat. 1108, effective Oct. 8, 1977, provided that: "In promulgating, or making any revisions of or amendments to, regulations governing the standards and procedures by which the Veterans' Administration determines whether a person was discharged or released from active military, naval, or air service under conditions other than dishonorable, the Administrator of Veterans' Affairs shall, in keeping with the spirit and intent of this Act [amending this section and section 101(18) of this title and enacting provisions set out as notes under this section], not promulgate any such regulations or revise or amend any such regulations for the purpose of, or having the effect of, (1) providing any unique or special advantage to veterans awarded general or honorable discharges under revised standards for the review of discharges described in section 3103(e)(2)(A)(i), (ii), or (iii) of title 38, United States Code, as added by section 1(a)(2) of this Act, or (2) otherwise making any special distinction between such veterans and other veterans."

§ 3104. Prohibition against duplication of benefits

[*See main edition for text of* (a)]

(b)(1) Except as provided in paragraphs (2) and (3) of this subsection and in section 521(i) of this title, the receipt of pension, compensation, or dependency and indemnity compensation by a widow, child, or parent on account of the death of any person, or receipt by any person of pension or compensation on account of his own service, shall not bar the payment of pension, compensation, or dependency and indemnity compensation on account of the death or disability of any other person.

[*See main edition for text of* (2) *and* (3); (c)]

(As amended Pub. L. 95-588, title III, § 304, Nov. 4, 1978, 92 Stat. 2507.)

AMENDMENTS

1978—Subsec. (b)(1). Pub. L. 95-588 inserted "of this subsection and in section 521(i) of this title" following "(2) and (3)".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-588 effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as an Effective Date of 1978 Amendment note under section 101 of this title.

§ 3105. Waiver of retired pay

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3101 of this title.

§ 3112. Annual adjustment of certain benefit rates

(a) Whenever there is an increase in benefit amounts payable under title II of the Social Security Act as a result of a determination made under section 215(i) of such Act, the Administrator shall, effective on the date of such increase in benefit amounts, increase each maximum annual rate of pension under sections 521, 541, and 542 of this title and the rate of increased pension paid under such sections 521 and 541 on account of children, as such rates were in effect immediately prior to the date of such increase in benefit amounts payable under title II of the Social Security Act, by the same percentage as the percentage by which such benefit amounts are increased.

(b)(1) Whenever there is an increase in benefit amounts payable under title II of the Social Security Act as a result of a determination made under section 215(i) of such Act, the Administrator shall, effective on the date of such increase in benefit amounts, increase the maxi-

mum monthly rates of dependency and indemnity compensation for parents payable under subsections (b), (c), and (d), and the monthly rate provided in subsection (h), of section 415 of such title[1] and the annual income limitations prescribed in subsections (b)(3), (c)(3), and (d)(3) of such section, as such rates and limitations were in effect immediately prior to the date of such increase in benefit amounts payable under title II of the Social Security Act, by the same percentage as the percentage by which such benefit amounts are increased.

(2)(A) Whenever there is an increase under paragraph (1) of this subsection in such rates and annual income limitations, the Administrator shall, effective on the date of such increase in such rates and limitations, adjust (as provided in subparagraph (B) of this paragraph) the rates of dependency and indemnity compensation payable under subsection (b)(1) or (c)(1) of section 415 of this title to any parent whose annual income is more than $800 but not more than the annual income limitation in effect under subsection (b)(3) or (c)(3) of such section, as appropriate, and adjust the rates of such compensation payable under subsection (d)(1) of such section to any parent whose annual income is more than $1,000 but not more than the annual income limitation in effect under subsection (d)(3) of such section.

(B) The adjustment in rates of dependency and indemnity compensation referred to in subparagraph (A) of this paragraph shall be made by the Administrator in accordance with regulations which the Administrator shall prescribe.

(c)(1) Whenever there is an increase under subsection (a) in benefit rates payable under sections 521, 541, and 542 of this title and an increase under subsection (b) in benefit rates and annual income limitations under section 415 of this title, the Administrator shall publish such rates and limitations (including those rates adjusted by the Administrator under subsection (b)(2) of this section), as increased pursuant to such subsections, in the Federal Register at the same time as the material required by section 215(i)(2)(D) of the Social Security Act is published by reason of a determination under section 215(i) of such Act.

(2) Whenever such rates and income limitations are so increased, the Administrator may round such rates and income limitations in such manner as the Administrator considers equitable and appropriate for ease of administration.

(Added Pub. L. 95-588, title III, § 305(a), Nov. 4, 1978, 92 Stat. 2507.)

REFERENCES IN TEXT

The Social Security Act, referred to in text, is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title II of the Social Security Act is classified generally to subchapter II (§ 401 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. Section 215(i) of the Social Security Act is classified to section 415(i) of Title 42. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

[1] So in original. A reference to section 415 of this title was probably intended.

EFFECTIVE DATE

Section effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as an Effective Date of 1978 Amendment note under section 101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 415, 521, 541, 542, 3012 of this title.

CHAPTER 55—MINORS, INCOMPETENTS, AND OTHER WARDS

§ 3203. Hospitalized veterans and estates of incompetent institutionalized veterans

(a)(1)(A) Where any veteran having neither spouse nor child is being furnished domiciliary care by the Veterans' Administration, no pension in excess of $60 per month shall be paid to or for the veteran for any period after the end of the second full calendar month following the month of admission for such care.

(B) Where any veteran having neither spouse nor child is being furnished hospital or nursing home care by the Veterans' Administration, no pension in excess of $60 per month shall be paid to or for the veteran for any period after the end of the third full calendar month following the month of admission for such care.

(C) No pension in excess of $60 per month shall be paid to or for a veteran having neither spouse nor child for any period after the month in which such veteran is readmitted for care described in subparagraph (A) or (B) of this paragraph and furnished by the Veterans' Administration if such veteran is readmitted within six months of a period of care of not less than two full calendar months.

[*See main edition for text of (2); (b) to (e)*]

(As amended Pub. L. 95-588, title III, § 307, Nov. 4, 1978, 92 Stat. 2510.)

AMENDMENTS

1978—Subsec. (a)(1). Pub. L. 95-588 revised and restructured subsec. (a)(1) and, as so restructured, raised the maximum pension to be paid to a veteran being furnished institutional care who has neither wife nor child from $50 per month to $60 per month.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-588 effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as an Effective Date of 1978 Amendment note under section 101 of this title.

CHAPTER 59—AGENTS AND ATTORNEYS

§ 3402. Recognition of representatives of organizations

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 611 of this title.

PART V—BOARDS AND DEPARTMENTS

CHAPTER 73—DEPARTMENT OF MEDICINE AND SURGERY

SUBCHAPTER I—ORGANIZATION; GENERAL

§ 4101. Functions of Department

REFERENCES IN TEXT

Section 3(b) of the Rehabilitation Act of 1973, referred to in subsec. (c)(2), is classified to section 702(b) of Title 29, Labor. Section 3(b) of the Act was stricken and section 3(c), relating to expenditure of funds, was redesignated as section 3(b) by Pub. L. 95-602, title I, § 122(a)(3), Nov. 6, 1978, 92 Stat. 2984.

Section 202(b)(2) of such Act, which was formerly classified to section 762(b)(2) of Title 29, was redesignated as section 204(b)(2) by Pub. L. 95-602, title I, § 109(3), Nov. 6, 1978, 92 Stat. 2963, which is classified to section 762(b)(2) of Title 29.

Section 405 of such Act, which was formerly classified to section 785 of Title 29, was repealed by Pub. L. 95-602, title I, § 117, Nov. 6, 1978, 92 Stat. 2977.

TRANSFER OF FUNCTIONS

For transfer of functions and offices of the Secretary and Department of Health, Education, and Welfare, including the Rehabilitation Services Administration and the Commissioner thereof, under the Rehabilitation Act of 1973 to the Secretary and Department of Education, see section 3441 of Title 20, Education.

§ 4104. Additional appointments

There shall be appointed by the Administrator additional personnel as the Administrator may find necessary for the medical care of veterans, as follows:

(1) Physicians, dentists, podiatrists, optometrists, nurses, physician assistants, and expanded-function dental auxiliaries;

(2) Pharmacists, psychologists, physical therapists, occupational therapists, dietitians, and other scientific and professional personnel, such as bacteriologists, chemists, biostatisticians, and medical and dental technologists.

(As amended Pub. L. 96-151, title III, § 302(a), Dec. 20, 1979, 93 Stat. 1096.)

AMENDMENTS

1979—Par. (2). Pub. L. 96-151 added reference to psychologists.

CONVERSION OF EMPLOYMENT STATUS OF PODIATRISTS AND OPTOMETRISTS IN DEPARTMENT OF MEDICINE AND SURGERY; RETROACTIVE EFFECT

Conversion of employment status of podiatrists and optometrists in Department of Medicine and Surgery from coverage under part III of Title 5, Government Organization and Employees, to coverage under provisions of this title, see section 5(b) of Pub. L. 95-201, set out as a note under section 4107 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4105, 4107, 4110, 4111, 4113, 4114 of this title.

§ 4105. Qualifications of appointees

(a) Any person to be eligible for appointment to the following positions in the Department of Medicine and Surgery must have the applicable qualifications:

[See main edition for text of (1) to (8)]

(9) Physician assistants and expanded-function dental auxiliaries shall have such medical or dental and technical qualifications and experience as the Administrator shall prescribe;

(10) Psychologist—

hold a doctoral degree in psychology from a college or university approved by the Administrator, have completed study for such degree in a specialty area of psychology and an internship which are satisfactory to the Administrator, and be licensed or certified as a psychologist in a State, except that the Administrator may waive the requirement of licensure or certification for an individual psychologist for a period not to exceed two years on the condition that such psychologist provide patient care only under the direct supervision of a psychologist who is so licensed or certified.

(b) Except as provided in section 4114 of this title, no person may be appointed in the Department of Medicine and Surgery as a physician, dentist, podiatrist, optometrist, nurse, physician assistant, or expanded-function dental auxiliary unless such person is a citizen of the United States.

(c) Notwithstanding any other provision of law, no person may be appointed under section 4104(1) of this title after the effective date of this subsection to serve in the Department of Medicine and Surgery in any direct patient-care capacity unless the Chief Medical Director determines, in accordance with regulations which the Administrator shall prescribe, that such person possesses such basic proficiency in spoken and written English as will permit such degree of communication with patients and other health-care personnel as will enable such person to carry out such person's health-care responsibilities satisfactorily.

(As amended Pub. L. 95-201, § 4(a)(1), Nov. 23, 1977, 91 Stat. 1430; Pub. L. 96-151, title III, § 302(b), Dec. 20, 1979, 93 Stat. 1096.)

REFERENCES IN TEXT

The effective date of this subsection, referred to in subsec. (c), is Jan. 1, 1978, see section 4(a)(4) of Pub. L. 95-201, set out as a note below.

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-151, § 302(b)(1), added par. (10).

Subsec. (b). Pub. L. 96-151, § 302(b)(2), added provisions relating to applicability to podiatrists, and optometrists.

1977—Subsec. (c). Pub. L. 95-201 added subsec. (c).

EFFECTIVE DATE OF 1979 AMENDMENT

Section 302(c) of Pub. L. 96-151 provided that: "The amendment made by subsection (b)(1) [adding subsec. (a)(10) of this section] to require that a psychologist appointed to a position in the Department of Medicine and Surgery of the Veterans' Administration be licensed or certified as a psychologist in a State shall not apply to any person employed as a psychologist by the Veterans' Administration on or before December 31, 1979."

EFFECTIVE DATE OF 1977 AMENDMENT

Section 4(a)(4) of Pub. L. 95-201 provided that: "The amendments made by paragraphs (1) [amending subsec. (c) of this section] and (2) [amending section 4114(f) of this title] of this subsection shall be effective on January 1, 1978."

REQUIREMENTS RESPECTING BASIC PROFICIENCY IN SPOKEN AND WRITTEN ENGLISH OF APPOINTEES AFTER NOVEMBER 23, 1977

Section 4(a)(3) of Pub. L. 95-201 provided that: "Notwithstanding any other provision of law, with respect to persons other than those described in subsection (c) of section 4105 and subsection (f) of section 4114 of title 38, United States Code (as added by paragraphs (1) and (2) of this subsection), who are appointed after the date of enactment of this Act [Nov. 23, 1977] in the Department of Medicine and Surgery in the Veterans' Administration in any direct patient-care capacity, and with respect to persons described in such subsections who are appointed after such enactment date and prior to January 1, 1978, the Administrator of Veterans' Affairs, upon the recommendation of the Chief Medical Director, shall take appropriate steps to provide reasonable assurance that such persons possess such basic proficiency in spoken and written English as will permit such degree of communication with patients and other health-care personnel as will enable such persons to carry out their health-care responsibilities satisfactorily."

HEALTH-CARE PERSONNEL BASIC PROFICIENCY IN SPOKEN AND WRITTEN ENGLISH; REPORT TO CONGRESSIONAL COMMITTEES RESPECTING APPOINTMENT, ETC.

Section 4(b) of Pub. L. 95-201, which provided that not later than Apr. 1, 1978, the Administrator of Veterans' Affairs submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report describing activities undertaken and the persons affected in order to carry out subsec. (c) of this section and section 4114(f) of this title and describing the extent to which there are persons employed by the Veterans' Administration on or prior to Nov. 23, 1977, in any direct patient-care capacity in the Department of Medicine and Surgery, who do not possess a basic proficiency in spoken and written English, was omitted from the Code as executed.

§ 4106. Period of appointments; promotions

[See main edition for text of (a)]

(b) Such appointments as described in subsection (a) of this section shall be for a probationary period of two years and the record of each person serving under such appointment in the Medical, Dental, and Nursing Services shall be reviewed from time to time by a board, appointed in accordance with regulations of the Administrator, and if said board shall find him not fully qualified and satisfactory he shall be separated from the service.

[See main edition for text of (c) to (f)]

(As amended Pub. L. 96-151, title III, § 303, Dec. 20, 1979, 93 Stat. 1096.)

AMENDMENTS

1979—Subsec. (b). Pub. L. 96-151 substituted "two" for "three".

§ 4107. Grades and pay scales

(a) The annual rates or ranges of rates of basic pay for positions provided in section 4103 of this title shall be as follows:

SECTION 4103 SCHEDULE

Chief Medical Director, $68,909.

Deputy Chief Medical Director, $66,104.

Associate Deputy Chief Medical Director, $63,315.

Assistant Chief Medical Director, $61,449.

Medical Director, $52,429 minimum to $59,421 maximum.

Director of Nursing Service, $52,429 minimum to $59,421 maximum.

Director of Podiatric Service, $44,756 minimum to $56,692 maximum.

Director of Chaplain Service, $44,756 minimum to $56,692 maximum.

Director of Pharmacy Service, $44,756 minimum to $56,692 maximum.

Director of Dietetic Service, $44,756 minimum to $56,692 maximum.

Director of Optometric Service, $44,756 minimum to $56,692 maximum.

(b)(1) The grades and annual ranges of rates of basic pay for positions provided for in paragraph (1) of section 4104 of this title shall be as follows:

PHYSICIAN AND DENTIST SCHEDULE

Director grade, $44,756 minimum to $56,692 maximum.

Executive grade, $41,327 minimum to $53,729 maximum.

Chief grade, $38,160 minimum to $49,608 maximum.

Senior grade, $32,442 minimum to $42,171 maximum.

Intermediate grade, $27,453 minimum to $35,688 maximum.

Full grade, $23,087 minimum to $30,017 maximum.

Associate grade, $19,263 minimum to $25,041 maximum.

NURSE SCHEDULE

Director grade, $38,160 minimum to $49,608 maximum.

Assistant Director grade, $32,442 minimum to $42,171 maximum.

Chief grade, $27,453 minimum to $35,688 maximum.

Senior grade, $23,087 minimum to $30,017 maximum.

Intermediate grade, $19,263 minimum to $25,041 maximum.

Full grade, $15,920 minimum to $20,699 maximum.

Associate grade, $13,700 minimum to $17,813 maximum.

Junior grade, $11,712 minimum to $15,222 maximum.

CLINICAL PODIATRIST AND OPTOMETRIST SCHEDULE

Chief grade, $38,160 minimum to $49,608 maximum.

Senior grade, $32,442 minimum to $42,171 maximum.

Intermediate grade, $27,453 minimum to $35,688 maximum.

Full grade, $23,087 minimum to $30,017 maximum.

Associate grade, $19,263 minimum to $25,041 maximum.

[See main edition for text of (2); (c) to (f)]

(As amended Pub. L. 95-201, § 5(a)(1), (2), Nov. 23, 1977, 91 Stat. 1432; Pub. L. 96-22, title V, § 504, June 13, 1979, 93 Stat. 65.)

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-22, § 504(a), substituted "$68,909" for "$54,000", "$66,104" for "$52,000", "$63,315" for "$50,000", "$61,449" for "$48,654", "$52,429 minimum to $59,421 maximum" for "$42,066 minimum to $47,674 maximum", in the items relating to Medical Directors, "$52,429 minimum to $59,421 maximum" for "$36,103 minimum to $40,915 maximum" in the item relating to Director of Nursing Service, "$44,756 minimum to $56,692 maximum" for "$39,629 minimum to $50,197 maximum" in the item relating to the Director of Podiatric Service, and "$44,756 minimum to $56,692 maximum" for "$31,203 minimum to $39,523 maximum" in the items relating to the Directors of Chaplain Service, Pharmacy Service, Dietetic Service, and Optometric Service.

Subsec. (b)(1). Pub. L. 96-22, § 504(b), substituted "$44,756 minimum to $56,692 maximum" for "$36,338 minimum to $46,026", "$41,327 minimum to $53,729 maximum" for "$33,736 minimum to $43,861 maximum", "$38,160 minimum to $49,608 maximum" for "$31,309 minimum to $40,705 maximum", "$32,442 minimum to $42,171 maximum" for "$26,861 minimum to $34,916 maximum", "$27,453 minimum to $35,688 maximum" for "$22,906 minimum to $29,782 maximum", "$23,087 minimum to $30,017 maximum" for "$19,386 minimum to $25,200 maximum", and "$19,263 minimum to $25,041 maximum" for "$16,255 minimum to $21,133 maximum" in the schedule for physicians and dentists, "$38,160 minimum to $49,608 maximum" for "$26,898 minimum to $34,974 maximum", "$32,442 minimum to $42,171 maximum" for "$23,088 minimum to $30,018 maximum", "$27,453 minimum to $35,688 maximum" for "$19,700 minimum to $25,613 maximum", "$23,087 minimum to $30,017 maximum" for "$16,682 minimum to $21,686 maximum", "$19,263 minimum to $25,041 maximum" for "$13,996 minimum to $18,190 maximum", "$15,920 minimum to $20,699 maximum" for "$11,614 minimum to $15,097 maximum", "$13,700 minimum to $17,813 maximum" for "$10,012 minimum to $13,018 maximum", and "$11,712 minimum to $15,222 maximum" for "$8,572 minimum to $11,146 maximum" in the schedule for nurses, and "$38,160 minimum to $49,608 maximum" for "$33,789 minimum to $43,923 maximum", "$32,442 minimum to $42,171 maximum" for "$28,725 minimum to $37,347 maximum", "$27,453 minimum to $35,688 maximum" for "$24,308 minimum to $31,598 maximum", "$23,087 minimum to $30,017 maximum" for "$20,442 minimum to $26,571 maximum", and "$19,263 minimum to $25,041 maximum" for "$17,056 minimum to $22,177 maximum" in the schedule for clinical podiatrists and optometrists.

1977—Subsec. (a). Pub. L. 95-201, § 5(a)(1), substituted "$39,629" for "$36,338" and "$50,197" for "$46,026".

Subsec. (b)(1). Pub. L. 95-201, § 5(a)(2), substituted "$33,789" for "$31,309", "$43,923" for "$40,705", "$28,725" for "$26,861", "$37,347" for "$34,916", "$24,308" for "$22,906", "$31,598" for "$29,782", "$20,442" for "$19,386", "$26,571" for "$25,200" "$17,056" for "$16,255", and "$22,177" for "$21,133".

RETROACTIVE EFFECT OF 1977 AMENDMENT

Section 5(a)(3) of Pub. L. 95-201 provided that: "The amendments made by paragraphs (1) and (2) of this subsection [amending this section] shall be effective retroactive to the period beginning on October 21, 1976, and ending on October 8, 1977. Notwithstanding any other provision of law, the Administrator of Veterans' Affairs shall establish retroactively for such period intermediate rates of basic pay between the minimum and maximum pay ranges prescribed in the salary schedule under the heading 'SECTION 4103 SCHEDULE' for the Director of Podiatric Service and in the 'CLINICAL PODIATRIST AND OPTOMETRIST SCHEDULE' in section 4107 of title 38, United States Code."

CONVERSION OF EMPLOYMENT STATUS OF PODIATRISTS AND OPTOMETRISTS IN DEPARTMENT OF MEDICINE AND SURGERY; RETROACTIVE EFFECT

Section 5(b) of Pub. L. 95-201 provided that: "Notwithstanding any other provision of law, each person employed in the Department of Medicine and Surgery in the Veterans' Administration as a podiatrist or optometrist shall be converted from employment under part III of title 5, United States Code, to full-time employment under section 4104(1), or temporary full-time employment or part-time employment under section 4114(a)(1)(A), of title 38, United States Code, and each such conversion (including application of the applicable rates of basic pay provided for in the amendments made by subsection (a) of this section) [amending this section and enacting provision set out as a note hereunder] shall be effective retroactive to October 21, 1976, or the most recent date of appointment in the Department of Medicine and Surgery of the employee concerned under such part III, whichever is the later."

ADJUSTMENT OF PAY RATES EFFECTIVE OCTOBER 1, 1979

Ex. Ord. No. 12165, Oct. 9, 1979, 44 F.R. 58671, set out as a note under section 5332 of Title 5, Government Organization and Employees, provided for an adjustment of pay rates under this section effective Oct. 1, 1979. See Schedule set out below:

	Minimum	Maximum
Section 4103 Schedule:		
Chief Medical Director	single rate	***$73,733
Deputy Chief Medical Director	single rate	**70,731
Associate Deputy Chief Medical Director.	single rate	*67,747
Assistant Chief Medical Director	single rate	*65,750
Medical Director	*56,099	*63,759
Director of Nursing Service	*56,099	*63,759
Director of Podiatric Service	47,889	*60,657
Director of Chaplain Service	47,889	*60,657
Director of Pharmacy Service	47,889	*60,657
Director of Dietetic Service	47,889	*60,657
Director of Optometric Service	47,889	*60,657
Physician and Dentist Schedule:		
Director grade	47,889	*60,657
Executive grade	44,219	*57,485
Chief grade	40,832	53,081
Senior grade	34,713	45,126
Intermediate grade	29,375	38,186
Full grade	24,703	32,110
Associate grade	20,611	26,794
Nurse Schedule:		
Director grade	40,832	53,081
Assistant Director grade	34,713	45,126
Chief grade	29,375	38,186
Senior grade	24,703	32,110
Intermediate grade	20,611	26,794
Full grade	17,035	22,147
Associate grade	14,659	19,060
Junior grade	12,531	16,293
Clinical Podiatrist and Optometrist Schedule:		
Chief grade	40,832	53,081
Senior grade	34,713	45,126
Intermediate grade	29,375	38,186
Full grade	24,703	32,110
Associate grade	20,611	26,794

*Basic pay is limited by Section 4107(d) of Title 38 of the United States Code to the rate for level V of the Executive Schedule which is $53,600.

**Basic pay is limited by Section 4107(d) of Title 38 of the United States Code to the rate for level IV of the Executive Schedule which is $56,500.

***Basic pay is limited by Section 4107(d) of Title 38 of the United States Code to the rate for level III of the Executive Schedule which is $59,300.

Note 1. The rates payable under this schedule are subject to further adjustment, limitation, or reduction by the Congress.

Note 2. On October 1, 1979, the limitation in Schedule 3 of Executive Order No. 12087, October 7, 1978,

changed and for the period October 1, 1979 to the start of the first applicable pay period in fiscal 1980 the following rates of pay were payable:

	Minimum	Maximum
Section 4108 Schedule:		
Chief Medical Director	single rate	$55,400
Deputy Chief Medical Director	single rate	52,800
Associate Deputy Chief Medical Director.	single rate	50,100
Assistant Chief Medical Director	single rate	50,100
Medical Director	$50,100	50,100
Director of Nursing Service	50,100	50,100
Director of Podiatric Service	44,756	50,100
Director of Chaplain Service	44,756	50,100
Director of Pharmacy Service	44,756	50,100
Director of Dietetic Service	44,756	50,100
Director of Optometric Service	44,756	50,100
Physician and Dentist Schedule:		
Director grade	44,756	50,100
Executive grade	41,327	50,100
Chief grade	38,160	49,608
Nurse Schedule:		
Director grade	38,160	49,608
Clinical Podiatrist and Optometrist Schedule:		
Chief grade	38,160	49,608

EXECUTIVE ORDER NO. 11941

Ex. Ord. No. 11941, Oct. 1, 1976, 41 F.R. 43899, as amended by Ex. Ord. No. 11943, Oct. 25, 1976, 41 F.R. 47213, set out as a note under section 5332 of Title 5, Government Organization and Employees, which provided for the adjustment of pay rates effective Oct. 1, 1976, was superseded by Ex. Ord. No. 12010, Sept. 28, 1977, 42 F.R. 52365, set out as a note under section 5332 of Title 5.

EXECUTIVE ORDER NO. 12010

Ex. Ord. No. 12010, Sept. 28, 1977, 42 F.R. 52365, formerly set out as a note under section 5332 of Title 5, Government Organization and Employees, which provided for the adjustment of pay rates effective Oct. 1, 1977, was superseded by Ex. Ord. No. 12087, Oct. 7, 1978, 43 F.R. 46823, set out as a note above.

EXECUTIVE ORDER NO. 12087

Ex. Ord. No. 12087, Oct. 7, 1978, 43 F.R. 46823, formerly set out in part as a note under this section, which provided for the adjustment of pay rates effective Oct. 1, 1978, was superseded by Ex. Ord. No. 12165, Oct. 9, 1979, 44 F.R. 58671, set out as a note under section 5332 of Title 5, Government Organization and Employees.

§ 4108. Personnel administration

[See main edition for text of (a) to (c)]

(d) Notwithstanding any other provision of law, the Administrator may prescribe regulations establishing conditions under which officers and employees of the Department of Medicine and Surgery who are nationally recognized principal investigators in medical research may be permitted, in connection with their attendance at meetings or in performing advisory services concerned with the functions or activities of the Veterans' Administration, or in connection with acceptance of significant awards or with activity related thereto concerned with functions or activities of the Veterans' Administration, to accept payment, in cash or in kind, from non-Federal agencies, organizations, and individuals, for travel and such reasonable subsistence expenses as are approved by the Administrator pursuant to such regulations, to be retained by such officers and employees to cover the cost of such expenses or deposited to the credit of the appropriation from which the cost of such expenses is paid, as may be provided in such regulations.

(As amended Pub. L. 96-22, title V, § 501, June 13, 1979, 93 Stat. 64.)

AMENDMENTS

1979—Subsec. (d). Pub. L. 96-22 added subsec. (d).

§ 4112. Special Medical Advisory Group and Other Advisory Bodies

(a) The Administrator shall establish a special medical advisory group composed of members of the medical, dental, podiatric, optometric, and allied scientific professions and a disabled veteran, nominated by the Chief Medical Director, whose duties shall be to advise the Administrator, through the Chief Medical Director, and the Chief Medical Director direct, relative to the care and treatment of disabled veterans, and other matters pertinent to the Department of Medicine and Surgery. The special medical advisory group shall meet on a regular basis as prescribed by the Administrator and, not later than February 1 of each year, shall submit to the Administrator and the Congress a report on its activities during the preceding fiscal year. The number, terms of service, pay, and allowances to members of such advisory group shall be in accord with existing law and regulations.

[See main edition for text of (b)]

(As amended Pub. L. 96-151, title III, § 305, Dec. 20, 1979, 93 Stat. 1096.)

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-151 added provisions relating to disabled veterans, and requirement respecting report to be submitted to the Administrator and the Congress on activities during the preceding fiscal year.

§ 4114. Temporary full-time, part-time, and without compensation appointments; residences or internships

[See main edition for text of (a) to (e)]

(f) No person may be appointed under this section after the effective date of this subsection to an occupational category described in section 4104(1) of this title or in subsection (b) of this section unless such person meets the requirements established in section 4105(c) of this title and regulations prescribed thereunder.

(As amended Pub. L. 95-201, § 4(a)(2), Nov. 23, 1977, 91 Stat. 1430.)

REFERENCES IN TEXT

The effective date of this subsection, referred to in subsec. (f), is Jan. 1, 1978, see Effective Date of 1977 Amendment note, set out below.

AMENDMENTS

1977—Subsec. (f). Pub. L. 95-201 added subsec. (f).

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-201 effective Jan. 1, 1978, see section 4(a)(4) of Pub. L. 95-201, set out as an Ef-

fective Date of 1977 Amendment note under section 4105 of this title.

REQUIREMENTS RESPECTING BASIC PROFICIENCY IN SPOKEN AND WRITTEN ENGLISH OF APPOINTEES AFTER NOVEMBER 23, 1977

Administrator to take appropriate steps to provide reasonable assurance of basic proficiency in spoken and written English of appointees after Nov. 23, 1977, see section 4(a)(3) of Pub. L. 95-201, set out as a note under section 4105 of this title.

CONVERSION OF EMPLOYMENT STATUS OF PODIATRISTS AND OPTOMETRISTS IN DEPARTMENT OF MEDICINE AND SURGERY; RETROACTIVE EFFECT

Conversion of employment status of podiatrists and optometrists in Department of Medicine and Surgery from coverage under part III of Title 5, Government Organization and Employees, to coverage under provisions of this title, see section 5(b) of Pub. L. 95-201, set out as a note under section 4107 of this title.

§ 4118. Special pay for physicians and dentists

(a)(1) Notwithstanding the provisions of section 4107(d) or any other provision of law, in order to recruit and retain highly qualified physicians and dentists in the Department of Medicine and Surgery, the Administrator, pursuant to the provisions of this section and regulations which the Administrator shall prescribe hereunder, shall provide, in addition to any pay or allowance to which such physician or dentist is entitled, special pay in an amount not more than (A) $13,500 per annum to any physician employed in the Department of Medicine and Surgery, or (B) $6,750 per annum to any dentist so employed, except as provided in paragraphs (2) and (3) of this subsection, upon the execution, and for the duration, of a written agreement by such physician or dentist to complete a specified period of service in the Department.

[See main edition for text of (2)]

(3) The Chief Medical Director, in accordance with such regulations, may determine categories of positions applicable to both physicians and dentists in the Department of Medicine and Surgery as to which there is no significant recruitment and retention problem. Physicians and dentists serving in such positions shall not be eligible for special pay under this section. Not later than one year after making any such recruitment and retention determination and each year thereafter, the Chief Medical Director shall make a redetermination in accordance with such regulations, and, in the event any such determination was made more than one year prior to the date of enactment of this sentence, the Chief Medical Director shall make such redetermination not later than ninety days after such enactment date.

[See main edition for text of (b) to (d)]

(e)(1) Any agreement entered into by a physician or dentist under this section shall be with respect to a period of one year of service in the Department of Medicine and Surgery unless the physician or dentist requests an agreement for a longer period of service not to exceed four years. Any physician or dentist who entered into an agreement under this section and has not failed to refund any amount which such physician or dentist became obligated to refund under any such agreement shall be eligible to enter into a subsequent agreement under this section. Notwithstanding the provisions of the preceding two sentences, no agreement entered into under this section shall extend beyond September 30, 1981, and any agreement entered into under this section after September 30, 1980, may be for a period of less than one year if the expiration date thereof is September 30, 1981.

(2)(A) Any such agreement shall provide that the physician or dentist, in the event that such physician or dentist voluntarily, or because of misconduct, fails to complete at least one year of service, or such lesser period of service as provided for in the final sentence of paragraph (1) of this subsection, pursuant to such agreement, shall be required to refund the total amount received under this section, unless the Chief Medical Director determines, in accordance with regulations prescribed under subsection (a) of this section, that such failure is necessitated by circumstances beyond the control of the physician or dentist.

[See main edition for text of (B), (3) and (4); (f)]

(As amended Pub. L. 95-201, § 3(a), Nov. 23, 1977, 91 Stat. 1429.)

REFERENCES IN TEXT

One year prior to the date of enactment of this sentence, referred to in subsec. (a)(3), means one year prior to Nov. 23, 1977, the date of approval of Pub. L. 95-201, which enacted such sentence.

Ninety days after such enactment date, referred to in subsec. (a)(3), means ninety days after Nov. 23, 1977.

AMENDMENTS

1977—Subsec. (a)(1). Pub. L. 95-201, § 3(a)(1), substituted "the Administrator shall" for "he shall", "duration, of" for "duration of,", and "specified period" for "specified number of years".

Subsec. (a)(3). Pub. L. 95-201, § 3(a)(2), added provisions relating to redeterminations by the Chief Medical Director, and substituted "in accordance with" for "pursuant to".

Subsec. (e)(1). Pub. L. 95-201, § 3(a)(3), added provisions relating to agreements following agreements for refunds.

Subsec. (e)(2)(A). Pub. L. 95-201, § 3(a)(4), added", or such lesser period of service as provided for in the final sentence of paragraph (1) of this subsection," following "service" and substituted "determines, in accordance with regulations prescribed under subsection (a) of this section," for ", pursuant to the regulations prescribed under this section, determines".

REEVALUATION OF SPECIAL PAY AGREEMENTS PROGRAM; REPORT TO CONGRESS; REGULATION REDUCING AMOUNT OF PRIMARY SPECIAL PAY

Section 3(b) of Pub. L. 95-201 provided that: "Prior to the execution after April 30, 1978, of any written agreement entered into with a physician or dentist under section 4118 of title 38, United States Code (as amended by subsection (a) of this section) [amending subsecs. (a) and (e) of this section], (1) the Chief Medical Director of the Veterans' Administration shall reevaluate, in view of the executive level pay increase made pursuant to section 225 of the Federal Salary Act of 1967 [section 351 et seq. of Title 2, The Congress], effective February 27, 1977, with respect to the Veterans' Administration, the need for special-pay

agreements, as authorized in such section 4118, in order to recruit and retain highly qualified physicians or dentists in each category of positions in the Department of Medicine and Surgery, and report to Congress not later than April 30, 1978, on the results of such reevaluation with respect to each such category; and (2) notwithstanding such section 4118, the Administrator of Veterans' Affairs, upon the recommendation of the Chief Medical Director and based upon such reevaluations, may promulgate a regulation reducing the amount of primary special pay for any such category to the extent the Administrator finds such primary special pay is not necessary to recruit and retain highly qualified physicians or dentists in such category. If a determination is made to reduce the amount of such primary special pay for any such category, the regulation promulgating the reduction shall be published in the Federal Register not less than thirty days prior to its effective date."

RETROACTIVE SPECIAL PAY AGREEMENTS

Section 3(c) of Pub. L. 95-201 provided that: "The Administrator, not later than thirty days after the date of enactment of this Act [Nov. 23, 1977], may enter into, under section 4118 of title 38, United States Code (as amended by subsection (a) of this section) [amending subsecs. (a) and (c) of this section], with any otherwise eligible physician or dentist who was appointed to a position in the Department of Medicine and Surgery in the Veterans' Administration during the period beginning on October 1, 1977, and ending on the date of enactment of this Act, a special-pay agreement providing for the payment of special pay to such physician or dentist retroactive to the date such physician or dentist was appointed to such position."

SPECIAL PAY AGREEMENTS

Section 6(a)(2) of Pub. L. 94-123, as amended by Pub. L. 94-581, title I, § 112, Oct. 21, 1976, 90 Stat. 2852; Pub. L. 95-201, § 2, Nov. 23, 1977, 91 Stat. 1429; Pub. L. 95-520, § 4, Oct. 26, 1978, 92 Stat. 1820, provided that: "No agreement to provide special pay may be entered into pursuant to section 4118 of title 38, United States Code (as added by section 2(d)(1) of this Act) after September 30, 1980."

SUBCHAPTER III—PROTECTION OF PATIENT RIGHTS

§ 4134. Coordination; reports

REFERENCES IN TEXT

The Drug Abuse Office and Treatment Act of 1972, as amended (21 U.S.C. 1101 et seq.), now known as the Drug Abuse Prevention, Treatment, and Rehabilitation Act, referred to in subsec. (a)(2), is Pub. L. 92-255, Mar. 21, 1972, 86 Stat. 65, as amended, which is classified principally to chapter 16 (§ 1101 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of Title 21 and Tables.

CHANGE OF NAME

The Secretary of Health, Education, and Welfare was redesignated the Secretary of Health and Human Services by section 3508 of Title 20, Education.

TRANSFER OF FUNCTIONS

The Office of Drug Abuse Policy, referred to in subsec. (a), was abolished and functions of the Director thereof were transferred to the President with power to delegate within the Executive Office of the President by Reorg. Plan No. 1 of 1977, §§ 3, 5C, 42 F.R. 56101, 91 Stat. 1633, 1634, set out in the Appendix to Title 5, Government Organization and Employees, effective on or before Apr. 1, 1978, at such time as specified by the President.

CHAPTER 75—VETERANS' CANTEEN SERVICE

§ 4202. Duties of Administrator with respect to Service

REFERENCES IN TEXT

The Veterans' Preference Act of 1944, referred to in par. (5), is act June 27, 1944, ch. 287, 58 Stat. 387, as amended, which was repealed and the provisions thereof reenacted as sections 1302(b), (c), 2108, 3305(b), 3306(a)(2), 3308 to 3318, 3319(b), 3320, 3351, 3363, 3364, 3501 to 3504, 7511, 7512, and 7701 of Title 5, Government Organization and Employees, by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378. Section 3306 of Title 5 was repealed by Pub. L. 95-228, § 1, Feb. 10, 1978, 92 Stat. 25; and section 3319 of Title 5 was repealed by Pub. L. 95-454, title III, § 307(h)(1), Oct. 13, 1978, 92 Stat. 1149.

PART VI—ACQUISITION AND DISPOSITION OF PROPERTY

CHAPTER 81—ACQUISITION AND OPERATION OF HOSPITAL AND DOMICILIARY FACILITIES; PROCUREMENT AND SUPPLY

SUBCHAPTER I—ACQUISITION AND OPERATION OF MEDICAL FACILITIES

Sec.
5001. Definitions.
5002. Acquisition of medical facilities.
5003. Authority to construct and alter, and to acquire sites for, medical facilities.
5004. Congressional approval of certain medical facility acquisitions.
5005. Structural requirements.
5006. Construction contracts.
5007. Reports to congressional committees.
5008. Contributions to local authorities.
5009. Garages and parking facilities.
5010. Operation of medical facilities.
5011. Use of Armed Forces facilities.
5012. Partial relinquishment of legislative jurisdiction.
5013. Property formerly owned by National Home for Disabled Volunteer Soldiers.
5014. Use of federally owned facilities; use of personnel.
5015. Acceptance of certain property.

SUBCHAPTER II—PROCUREMENT AND SUPPLY

5021. Revolving supply fund.
5022. Authority to procure and dispose of property and to negotiate for common services.
5023. Procurement of prosthetic appliances.
5024. Grant of easements in Government-owned lands.

SUBCHAPTER III—STATE HOME FACILITIES FOR FURNISHING DOMICILIARY, NURSING HOME, AND HOSPITAL CARE

AMENDMENTS

1979—Pub. L. 96-22, title III, § 301(c), June 13, 1979, 93 Stat. 61, substituted "Acquisition and Operation of Medical Facilities" for "Provisions Relating to Hospitals and Homes" in the item covering the heading for subchapter I, substituted "Definitions" for "Hospital and domiciliary facilities" in item 5001, "Acquisition of medical facilities" for "Construction and repair of buildings" in item 5002, "Authority to construct and alter, and acquire sites for, medical facilities" for "Use of Armed Forces facilities" in item 5003, "Congressional approval of certain medical facility acquisitions" for "Garages and parking facilities" in item 5004, "Structural requirements" for "Acceptance of certain property" in item 5005, "Construction contracts" for "Property formerly owned by National Home for Disabled

Volunteer Soldiers" in item 5006, and "Reports to congressional committees" for "Partial relinquishment of legislative jurisdiction" in item 5007, added items 5008 to 5015, and redesignated former items 5011 to 5014 as 5021 to 5024, respectively.

1977—Pub. L. 95–62, § 4(c), July 5, 1977, 91 Stat. 263, substituted "Domiciliary, Nursing Home, and Hospital Care" for "Nursing Home Care" in heading for subchapter III.

SUBCHAPTER I—ACQUISITION AND OPERATION OF MEDICAL FACILITIES

§ 5001. Definitions

For the purposes of this subchapter:

(1) The term "alter", with respect to a medical facility, means to repair, remodel, improve, or extend such medical facility.

(2) The terms "construct" and "alter", with respect to a medical facility, include such engineering, architectural, legal, fiscal, and economic investigations and studies and such surveys, designs, plans, working drawings, specifications, procedures, and other similar actions as are necessary for the construction or alteration, as the case may be, of such medical facility and as are carried out after the completion of the advanced planning (including the development of project requirements and preliminary plans) for such facility.

(3) The term "medical facility" means any facility or part thereof which is, or will be, under the jurisdiction of the Administrator for the provision of health-care services (including hospital, nursing home, or domiciliary care or medical services), including any necessary building and auxiliary structure, garage, parking facility, mechanical equipment, trackage facilities leading thereto, abutting sidewalks, accommodations for attending personnel, and recreation facilities associated therewith.

(4) The term "committee" means the Committee on Veterans' Affairs of the House of Representatives or the Committee on Veterans' Affairs of the Senate, and the term "committees" means both such committees.

(Added Pub. L. 96–22, title III, § 301(a), June 13, 1979, 93 Stat. 55.)

Prior Provisions

A prior section 5001, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1251; Pub. L. 88–450, § 1, Aug. 19, 1964, 78 Stat. 500; Pub. L. 89–311, § 8, Oct. 31, 1965, 79 Stat. 1157; Pub. L. 93–82, title III, § 301, Aug. 2, 1973, 87 Stat. 194; Pub. L. 94–581, title I, § 114, title II, § 206(a), 210(e)(1), Oct. 21, 1976, 90 Stat. 2852, 2859, 2864; Pub. L. 95–201, § 4(c), Nov. 23, 1977, 91 Stat. 1431, relating generally to the authority of the Administrator to establish hospitals and domiciliary facilities for veterans, was omitted from the Code in the general revision of this subchapter by Pub. L. 96–22. See section 5002 of this title.

Effective Date

Section 302 of Pub. L. 96–22 provided that:

"(a) Except as provided in subsection (b) of this section, the amendments made by section 301 [enacting this subchapter, redesignating sections 5011 to 5014 of this title as sections 5021 to 5024, and amending section 5022 of this title as so redesignated] shall take effect on October 1, 1979.

"(b)(1) The amendments made by section 301 shall not apply with respect to the acquisition, construction, or alteration of any medical facility (as defined in section 5001(3) of title 38, United States Code, as amended by section 301(a) of this Act) if such acquisition, construction, or alteration (not including exchange) was approved before October 1, 1979, by the President.

"(2) The provisions of section 5007(a) of title 38, United States Code, as amended by section 301(a) of this Act, shall take effect on the date of the enactment of this Act [June 13, 1979]."

§ 5002. Acquisition of medical facilities

(a) The Administrator shall provide medical facilities for veterans entitled to hospital, nursing home, or domiciliary care or medical services under this title.

(b) No medical facility may be constructed or otherwise acquired or altered except in accordance with the provisions of this subchapter.

(c) In carrying out this subchapter, the Administrator—

(1) shall provide for the construction and acquisition of medical facilities in a manner that results in the equitable distribution of such facilities throughout the United States, taking into consideration the comparative urgency of the need for the services to be provided in the case of each particular facility; and

(2) shall give due consideration to excellence of architecture and design.

(Added Pub. L. 96–22, title III, § 301(a), June 13, 1979, 93 Stat. 55.)

Prior Provisions

A prior section 5002, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1252; Pub. L. 94–581, title II, § 210(e)(2), Oct. 21, 1976, 90 Stat. 2865, relating to the construction and repair of hospitals, domiciliaries, and out-patient dispensary facilities, was omitted from the Code in the general revision of this subchapter by Pub. L. 96–22. See section 5003 of this title.

§ 5003. Authority to construct and alter, and to acquire sites for, medical facilities

(a) Subject to section 5004 of this title, the Administrator—

(1) may construct or alter any medical facility and may acquire, by purchase, lease, condemnation, donation, exchange, or otherwise, such land or interests in land as the Administrator considers necessary for use as the site for such construction or alteration;

(2) may acquire, by purchase, lease, condemnation, donation, exchange, or otherwise, any facility (including the site of such facility) that the Administrator considers necessary for use as a medical facility; and

(3) in order to assure compliance with section 5010(a)(2) of this title, in the case of any outpatient medical facility for which it is proposed to lease space and for which a qualified lessor and an appropriate leasing arrangement are available, shall execute a lease for such facility within 12 months after funds are made available for such purpose.

(b) Whenever the Administrator considers it to be in the interest of the United States to construct a new medical facility to replace an existing medical facility, the Administrator (1) may demolish the existing facility and use the site on which it is located for the site of the new medical facility, or (2) if in the judgment of the Administrator it is more advantageous to

construct such medical facility on a different site in the same locality, may exchange such existing facility and the site of such existing facility for the different site.

(c) Whenever the Administrator determines that any site acquired for the construction of a medical facility is not suitable for that purpose, the Administrator may exchange such site for another site to be used for that purpose or may sell such site.

(Added Pub. L. 96–22, title III, § 301(a), June 13, 1979, 93 Stat. 56.)

PRIOR PROVISIONS

A prior section 5003, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1252, relating to the use by the Veterans' Administration of Armed Forces' facilities, was omitted from the Code in the general revision of this subchapter by Pub. L. 96–22. See section 5011 of this title.

§ 5004. Congressional approval of certain medical facility acquisitions

(a) In order to ensure the equitable distribution of medical facilities throughout the United States, taking into consideration the comparative urgency of the need for the services to be provided in the case of each particular facility—

(1) no appropriation may be made for the construction, alteration, or acquisition (not including exchanges) of any medical facility which involves a total expenditure of more than $2,000,000 unless each committee has first adopted a resolution approving such construction, alteration, or acquisition and setting forth the estimated cost thereof; and

(2) no appropriation may be made for the lease of any space for use as a medical facility at an average annual rental of more than $500,000 unless each committee has first adopted a resolution approving such lease and setting forth the estimated cost thereof.

(b) In the event that the President or the Administrator proposes to the Congress the funding of any construction, alteration, lease, or other acquisition to which subsection (a) of this section is applicable, the Administrator shall submit to each committee, on the same day, a prospectus of the proposed medical facility. Such prospectus shall include—

(1) a detailed description of the medical facility to be constructed, altered, leased, or otherwise acquired under this subchapter, including a description of the location of such facility;

(2) an estimate of the cost to the United States of the construction, alteration, lease, or other acquisition of such facility (including site costs, if applicable); and

(3) an estimate of the cost to the United States of the equipment required for the operation of such facility.

(c) The estimated cost of any construction, alteration, lease, or other acquisition that is approved under this section, as set forth in the pertinent resolutions described in subsection (a) of this section, may be increased by the Administrator in the contract for such construction, alteration, lease, or other acquisition by an amount equal to the percentage increase, if any, as determined by the Administrator, in construction, alteration, lease, or other acquisition costs, as the case may be, from the date of such approval to the date of contract, but in no event may the amount of such increase exceed 10 per centum of such estimated cost.

(d) In the case of any medical facility approved for construction, alteration, lease, or other acquisition by each committee under subsection (a) of this section for which funds have not been appropriated within one year after the date of such approval, either such committee may by resolution rescind its approval at any time thereafter before such funds are appropriated.

(e) In any case in which the Administrator proposes that funds be used for a purpose other than the purpose for which such funds were appropriated, the Administrator shall promptly notify each committee, in writing, of the particulars involved and the reasons why such funds were not used for the purpose for which appropriated.

(f) The Administrator may accept gifts or donations for any of the purposes of this subchapter.

(Added Pub. L. 96–22, title III, § 301(a), June 13, 1979, 93 Stat. 56.)

PRIOR PROVISIONS

A prior section 5004, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1252; Pub. L. 89–785, title II, § 201(a), Nov. 7, 1966, 80 Stat. 1372; Pub. L. 94–581, title II, § 210(e)(3), Oct. 21, 1976, 90 Stat. 2865, relating to garage and parking facilities, was omitted from the Code in the general revision of this subchapter by Pub. L. 96–22. See section 5009.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5003, 5007 of this title.

§ 5005. Structural requirements

(a) Each medical facility (including each nursing home facility for which the Administrator contracts under section 620 of this title and each State home facility constructed or altered under subchapter III of this chapter) shall be of fire, earthquake, and other natural disaster resistant construction in accordance with standards which the Administrator shall prescribe on a State or regional basis after surveying appropriate State and local laws, ordinances, and building codes and climatic and seismic conditions pertinent to each such facility. When an existing structure is acquired for use as a medical facility, it shall be altered to comply with such standards.

(b)(1) In order to carry out this section, the Administrator shall appoint an advisory committee to be known as the "Advisory Committee on Structural Safety of Veterans' Administration Facilities", on which shall serve at least one architect and one structural engineer who are experts in structural resistance to fire, earthquake, and other natural disasters and who are not employees of the Federal Government.

(2) Such advisory committee shall advise the Administrator on all matters of structural safety in the construction and altering of medical facilities in accordance with the require-

ments of this section and shall review and make recommendations to the Administrator on the regulations prescribed under this section.

(3) The Associate Deputy Administrator, the Chief Medical Director or the designee of the Chief Medical Director, and the Veterans' Administration official charged with the responsibility for construction shall be ex officio members of such advisory committee.

(Added Pub. L. 96–22, title III, § 301(a), June 13, 1979, 93 Stat. 57, and amended Pub. L. 96–128, title V, § 501(e), Nov. 28, 1979, 93 Stat. 987.)

PRIOR PROVISIONS

A prior section 5005, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1252; Pub. L. 94–581, title II, § 210(e)(4), Oct. 21, 1976, 90 Stat. 2865, relating to the acceptance by the President of buildings, structures, equipment, or grounds from States or other political subdivisions or from persons, was omitted from the Code in the general revision of this subchapter by Pub. L. 96–22. See section 5015 of this title.

AMENDMENTS

1979—Subsec. (a). Pub. L. 96–128 substituted "subchapter III of this chapter" for "section 5031 of this title".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–128 effective Nov. 28, 1979, see section 601(b) of Pub. L. 96–128 set out as an Effective Date of 1979 Amendment note under section 314 of this title.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the two-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 5006. Construction contracts

(a) The Administrator may carry out any construction or alteration authorized under this subchapter by contract if the Administrator considers it to be advantageous to the United States to do so.

(b)(1) The Administrator may obtain, by contract or otherwise, the services of individuals who are architects or engineers and of architectural and engineering corporations and firms, to the extent that the Administrator may require such services for any medical facility authorized to be constructed or altered under this subchapter.

(2) No corporation, firm, or individual may be employed under the authority of paragraph (1) of this subsection on a permanent basis.

(c) Notwithstanding any other provision of this section, the Administrator shall be responsible for all construction authorized under this subchapter, including the interpretation of construction contracts, the approval of materials and workmanship supplied pursuant to a construction contract, approval of changes in the construction contract, certification of vouchers for payments due the contractor, and final settlement of the contract.

(Added Pub. L. 96–22, title III, § 301(a), June 13, 1979, 93 Stat. 58.)

PRIOR PROVISIONS

A prior section 5006, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1253, relating to property formerly owned by the National Home for Disabled Volunteer Soldiers, was omitted from the Code in the general revision of this subchapter by Pub. L. 96–22. See section 5013 of this title.

§ 5007. Reports to congressional committees

(a) In order to promote effective planning for the orderly construction, replacement, and alteration of medical facilities in accordance with the comparative urgency of the need for the services to be provided by such facilities, the Administrator shall submit to each committee an annual report on the construction, replacement, and alteration of medical facilities. Such report shall be submitted to the committees on the same day each year and shall contain—

(1) a five-year plan for the construction, replacement, or alteration of those medical facilities that, in the judgment of the Administrator, are most in need of construction, replacement, or alteration;

(2) a list, in order of priority, of not less than ten hospitals that, in the judgment of the Administrator, are most in need of construction or replacement; and

(3) general plans (including projected costs, site location, and, if appropriate, necessary land acquisition) for each medical facility included in the five-year plan required under clause (1) of this subsection or the list required under clause (2) of this subsection.

The first such report shall be submitted not later than September 1, 1979, and each succeeding report shall be submitted not later than June 30 of each year.

(b) The Administrator shall submit to each committee not later than January 31 of each year (beginning in 1981) a report showing the location, space, cost, and status of each medical facility the construction, alteration, lease, or other acquisition of which has been approved under section 5004(a) of this title and, in the case of the second and each succeeding report made under this subsection, which was uncompleted as of the date of the last preceding report made under this subsection.

(Added Pub. L. 96–22, title III, § 301(a), June 13, 1979, 93 Stat. 58.)

PRIOR PROVISIONS

A prior section 5007, added Pub. L. 93–82, title III, § 302(1), Aug. 2, 1973, 87 Stat. 195, and amended Pub. L. 94–581, title II, § 210(e)(5), Oct. 21, 1976, 90 Stat. 2865, relating to partial relinquishment of legislative jurisdiction, was omitted from the Code in the general revision of this subchapter by Pub. L. 96–22. See section 5012 of this title.

§ 5008. Contributions to local authorities

The Administrator may make contributions to local authorities toward, or for, the construction of traffic controls, road improvements, or

other devices adjacent to a medical facility if considered necessary for safe ingress or egress.

(Added Pub. L. 96–22, title III, § 301(a), June 13, 1979, 93 Stat. 58.)

PRIOR PROVISIONS

Provisions similar to this section were contained in former section 5001(g) of this title prior to the general revision of this subchapter by Pub. L. 96–22.

§ 5009. Garages and parking facilities

(a) The Administrator may construct, alter, operate, and maintain, on reservations of medical facilities, garages and parking facilities for the accommodation of privately owned vehicles of employees of such facilities and vehicles of visitors and other individuals having business at such facilities.

(b)(1) The Administrator may establish and collect (or provide for the collection of) fees for the use of such garages and parking facilities at such rate or rates which the Administrator determines would be reasonable under the particular circumstances; but no fee may be charged for the accommodation of any publicly or privately owned vehicle used in connection with the transportation of a veteran to or from any medical facility for the purposes of examination or treatment or in connection with any visit to any patient in such facility. Employees using such garages shall make such reimbursement therefor as the Administrator may deem reasonable.

(2) The Administrator may contract, by lease or otherwise, with responsible persons, firms, or corporations for the operation of such parking facilities, under such terms and conditions as the Administrator shall prescribe, and without regard to the laws concerning advertising for competitive bids.

(c)(1) There are authorized to be appropriated such amounts as are necessary to finance in part the construction, alteration, operation, and maintenance of garages and parking facilities (other than the construction or alteration of any garage or parking facility involving the expenditure of more than $2,000,000). Amounts appropriated under the authority of this section, and all income from fees collected for the use of such garages and parking facilities, shall be administered as a revolving fund to effectuate the provisions of this section, but only to the extent provided for in appropriation Acts.

(2) The revolving fund shall be deposited in a checking account with the Treasurer of the United States, except that such amounts thereof as the Administrator may determine to be necessary to establish and maintain operating accounts for the various garages and parking facilities may be placed in depositories selected by the Administrator.

(Added Pub. L. 96–22, title III, § 301(a), June 13, 1979, 93 Stat. 59.)

PRIOR PROVISIONS

Provisions similar to this section were contained in former section 5004 of this title prior to the general revision of this subchapter by Pub. L. 96–22.

§ 5010. Operation of medical facilities

(a)(1) The Administrator, subject to the approval of the President, is authorized to establish and operate not less than one hundred and twenty-five thousand hospital beds in medical facilities over which the Administrator has direct jurisdiction for the care and treatment of eligible veterans. The Administrator shall staff and maintain, in such a manner as to ensure the immediate acceptance and timely and complete care of patients, sufficient beds and other treatment capacities to accommodate, and provide such care to, eligible veterans applying for admission and found to be in need of hospital care or medical services.

(2) The Administrator shall maintain the bed and treatment capacities of all Veterans' Administration medical facilities so as to ensure the accessibility and availability of such beds and treatment capacities to eligible veterans in all States and to minimize delays in admissions and in the provision of hospital, nursing home, and domiciliary care, and of medical services furnished pursuant to section 612 of this title.

(3) The Chief Medical Director shall periodically analyze agencywide admission policies and the records of those eligible veterans who apply for hospital care and medical services but are rejected or not immediately admitted or provided such care or services, and the Administrator shall annually advise each committee of the results of such analysis and the number of any additional beds and treatment capacities and the appropriate staffing and funds therefor found necessary to meet the needs of such veterans for such necessary care and services.

(4)(A) With respect to each law making appropriations for the Veterans' Administration, there shall be provided to the Veterans' Administration the funded personnel ceiling defined in subparagraph (D) of this paragraph and the funds appropriated therefor.

(B) In order to carry out the provisions of subparagraph (A) of this paragraph, the Director of the Office of Management and Budget shall, with respect to each such law (i) provide to the Veterans' Administration for the fiscal year concerned such funded personnel ceiling and the funds necessary to achieve such ceiling, and (ii) submit to the appropriate committees of the Congress and to the Comptroller General of the United States certification that the Director has so provided such ceiling. Not later than the thirtieth day after the enactment of such a law or, in the event of the enactment of such a law more than thirty days prior to the fiscal year for which such law makes such appropriations, not later than the tenth day of such fiscal year, the certification required in the first sentence of this subparagraph shall be submitted, together with a report containing complete information on the personnel ceiling that the Director has provided to the Veterans' Administration for the employees described in subparagraph (D) of this paragraph.

(C) Not later than the forty-fifth day after the enactment of each such law, the Comptroller General shall submit to the appropriate committees of the Congress a report stating the Comptroller General's opinion as to whether

the Director of the Office of Management and Budget has complied with the requirements of such subparagraph in providing to the Veterans' Administration such funded personnel ceiling.

(D) For the purposes of this paragraph, the term "funded personnel ceiling" means, with respect to any fiscal year, the authorization by the Director of the Office of Management and Budget to employ (under the appropriation accounts for medical care, medical and prosthetic research, and medical administration and miscellaneous operating expenses) not less than the number of employees for the employment of which appropriations have been made for such fiscal year.

(b) The Administrator, subject to the approval of the President, is authorized to establish and operate not less than twelve thousand beds during fiscal year 1980, and during each fiscal year thereafter, for the furnishing of nursing home care to eligible veterans in facilities over which the Administrator has direct jurisdiction. The beds authorized by this subsection shall be in addition to the beds provided for in subsection (a) of this section.

(c) When the Administrator determines, in accordance with regulations which the Administrator shall prescribe, that a Veterans' Administration facility serves a substantial number of veterans with limited English-speaking ability, the Administrator shall establish and implement procedures, upon the recommendation of the Chief Medical Director, to ensure the identification of sufficient numbers of individuals on such facility's staff who are fluent in both the language most appropriate to such veterans and in English and whose responsibilities shall include providing guidance to such veterans and to appropriate Veterans' Administration staff members with respect to cultural sensitivities and bridging linguistic and cultural differences.

(Added Pub. L. 96-22, title III, § 301(a), June 13, 1979, 93 Stat. 59, and amended Pub. L. 96-151, title III, § 301(a), Dec. 20, 1979, 93 Stat. 1095.)

PRIOR PROVISIONS

Provisions similar to this section were contained in former section 5001(a)(2), (3), (h) of this title prior to the general revision of this subchapter by Pub. L. 96-22.

AMENDMENTS

1979—Subsec. (a)(4). Pub. L. 96-151 added par. (4).

EFFECTIVE DATE OF 1979 AMENDMENT

Section 301(b) of Pub. L. 96-151 provided that: "The amendment made by subsection (a) [adding subsec. (a)(4) of this section] shall take effect with respect to Public Law 96-103 [Nov. 5, 1979, 93 Stat. 771], but, with respect to such Public Law, the certification and report required by subparagraph (B) of paragraph (4) of section 5010 of title 38, United States Code (as added by such amendment), and the report required by subparagraph (C) of such paragraph (as added by such amendment) shall be submitted to the appropriate committees of the Congress not later than January 15, 1980, and February 1, 1980, respectively."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5003 of this title.

§ 5011. Use of Armed Forces facilities

The Administrator and the Secretary of the Army, the Secretary of the Air Force, and the Secretary of the Navy may enter into agreements and contracts for the mutual use or exchange of use of hospital and domiciliary facilities, and such supplies, equipment, and material as may be needed to operate such facilities properly, or for the transfer, without reimbursement of appropriations, of facilities, supplies, equipment, or material necessary and proper for authorized care for veterans, except that at no time shall the Administrator enter into any agreement which will result in a permanent reduction of Veterans' Administration hospital and domiciliary beds below the number established or approved on June 22, 1944, plus the estimated number required to meet the load of eligibles under this title, or in any way subordinate or transfer the operation of the Veterans' Administration to any other agency of the Government.

(Added Pub. L. 96-22, title III, § 301(a), June 13, 1979, 93 Stat. 60.)

CODIFICATION

A prior section 5011 was renumbered 5021.

PRIOR PROVISIONS

Provisions similar to this section were contained in former section 5003 of this title prior to the general revision of this subchapter by Pub. L. 96-22.

§ 5012. Partial relinquishment of legislative jurisdiction

The Administrator, on behalf of the United States, may relinquish to the State in which any lands or interests therein under the supervision or control of the Administrator are situated, such measure of legislative jurisdiction over such lands or interests as is necessary to establish concurrent jurisdiction between the Federal Government and the State concerned. Such partial relinquishment of legislative jurisdiction shall be initiated by filing a notice thereof with the Governor of the State concerned, or in such other manner as may be prescribed by the laws of such State, and shall take effect upon acceptance by such State.

(Added Pub. L. 96-22, title III, § 301(a), June 13, 1979, 93 Stat. 60.)

CODIFICATION

A prior section 5012 was renumbered 5022.

PRIOR PROVISIONS

Provisions similar to this section were contained in former section 5007 of this title prior to the general revision of this subchapter by Pub. L. 96-22.

§ 5013. Property formerly owned by National Home for Disabled Volunteer Soldiers

If by reason of any defeasance or conditional clause or clauses contained in any deed of conveyance of property to the National Home for Disabled Volunteer Soldiers, which property is owned by the United States, the full and complete enjoyment and use of such property is threatened, the Attorney General, upon request of the President, shall institute in the

United States district court for the district in which the property is located such proceedings as may be proper to extinguish all outstanding adverse interests. The Attorney General may procure and accept, on behalf of the United States, by gift, purchase, cession, or otherwise, absolute title to, and complete jurisdiction over, all such property.

(Added Pub. L. 96–22, title III, § 301(a), June 13, 1979, 93 Stat. 61.)

CODIFICATION

A prior section 5013 was renumbered 5023.

PRIOR PROVISIONS

Provisions similar to this section were contained in former section 5006 of this title prior to the general revision of this subchapter by Pub. L. 96–22.

§ 5014. Use of federally owned facilities; use of personnel

(a) The Administrator, subject to the approval of the President, may use as medical facilities such suitable buildings, structures, and grounds owned by the United States on March 3, 1925, as may be available for such purposes, and the President may by Executive order transfer any such buildings, structures, and grounds to the control and jurisdiction of the Veterans' Administration upon the request of the Administrator.

(b) The President may require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in the construction and alteration of medical facilities, and the President may employ for such purposes individuals and agencies not connected with the Government, if in the opinion of the President such is desirable, at such compensation as the President may consider reasonable.

(Added Pub. L. 96–22, title III, § 301(a), June 13, 1979, 93 Stat. 61.)

CODIFICATION

A prior section 5014 was renumbered 5024.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 5001(e) of this title prior to the general revision of this subchapter by Pub. L. 96–22.

§ 5015. Acceptance of certain property

The President may accept from any State or other political subdivision, or from any person, any building, structure, equipment, or grounds suitable for the care of disabled persons, with due regard to fire or other hazards, state of repair, and all other pertinent considerations. The President may designate which agency of the Federal Government shall have the control and management of any property so accepted.

(Added Pub. L. 96–22, title III, § 301(a), June 13, 1979, 93 Stat. 61.)

PRIOR PROVISIONS

Provisions similar to this section were contained in former section 5005 of this title prior to the general revision of this subchapter by Pub. L. 96–22.

SUBCHAPTER II—PROCUREMENT AND SUPPLY

§ 5021. Revolving supply fund

(a) The revolving supply fund established for the operation and maintenance of a supply system for the Veterans' Administration (including procurement of supplies, equipment, and personal services and the repair and reclamation of used, spent, or excess personal property) shall be—

(1) available without fiscal year limitations for all expenses necessary for the operation and maintenance of such supply system;

(2) reimbursed from appropriations for the cost of all services, equipment, and supplies furnished, at rates determined by the Administrator on the basis of estimated or actual direct and indirect cost; and

(3) credited with advances from appropriations for activities to which services or supplies are to be furnished, and all other receipts resulting from the operation of the fund, including property returned to the supply system when no longer required by activities to which it had been furnished, the proceeds of disposal of scrap, excess or surplus personal property of the fund, and receipts from carriers and others for loss of or damage to personal property.

At the end of each fiscal year, any net income of the fund, after making provision for prior losses, shall be covered into the Treasury of the United States as miscellaneous receipts.

(b) An adequate system of accounts for the fund shall be maintained on the accrual method, and financial reports prepared on the basis of such accounts. An annual business type budget shall be prepared for operations under the fund.

(c) The Administrator is authorized to capitalize, at fair and reasonable values as determined by the Administrator, all supplies and materials and depot stocks of equipment on hand or on order.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1253, § 5011; amended Pub. L. 87–314, Sept. 26, 1961, 75 Stat. 675; Pub. L. 94–581, title II, § 210(e)(6), Oct. 21, 1976, 90 Stat. 2865; renumbered § 5021, Pub. L. 96–22, title III, § 301(b)(1), June 13, 1979, 93 Stat. 61.)

§ 5022. Authority to procure and dispose of property and to negotiate for common services

(a) The Administrator may lease for a term not exceeding three years lands or buildings, or parts or parcels thereof, belonging to the United States and under the Administrator's control. Any lease made pursuant to this subsection to any public or nonprofit organization may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5). Notwithstanding section 321 of the Act entitled "An Act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1933, and for other purposes," approved June 30, 1932 (40 U.S.C. 303b), or any other provision of law, a lease made pursuant to this subsection to any

public or nonprofit organization may provide for the maintenance, protection, ore restoration, by the lessee, of the property leased, as a part or all of the consideration for the lease. Prior to the execution of any such lease, the Administrator shall give appropriate public notice of the Administrator's intention to do so in the newspaper of the community in which the lands or buildings to be leased are located. The proceeds from such leases, less expenses for maintenance, operation, and repair of buildings leased for living quarters, shall be covered into the Treasury of the United States as miscellaneous receipts.

(b) The Administrator may, for the purpose of extending benefits to veterans and dependents, and to the extent the Administrator deems necessary, procure the necessary space for administrative purposes by lease, purchase, or construction of buildings, or by condemnation or declaration of taking, pursuant to law.

(c) The Administrator may procure laundry services, and other common services as specifically approved by the Administrator from nonprofit, tax-exempt educational, medical or community institutions, without regard to the requirements of section 302(c) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252(c)), whenever such services are not reasonably available from private commercial sources. Notwithstanding this exclusion, the provisions of section 304 of that Act shall apply to procurement authorized by this subsection.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1253, § 5012; amended Pub. L. 89-785, title II, § 202(a), (b), Nov. 7, 1966, 80 Stat. 1373; Pub. L. 93-82, title III, § 302(2), Aug. 2, 1973, 87 Stat. 195; Pub. L. 94-581, title II, § 210(e)(7), Oct. 21, 1976, 90 Stat. 2865; renumbered § 5022, and amended Pub. L. 96-22, title III, § 301(b), June 13, 1979, 93 Stat. 61.)

REFERENCES IN TEXT

Section 304 of that Act, referred to in subsec. (c), is section 304 of act June 30, 1949, ch. 288, 63 Stat. 395, which is classified to section 254 of Title 41, Public Contracts.

AMENDMENTS

1979—Subsec. (b). Pub. L. 96-22 substituted "necessary space for administrative purposes by lease" for "necessary space for administrative, clinical, medical, and outpatient treatment purposes by lease".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-22 effective Oct. 1, 1979, except that the amendment shall not apply with respect to the acquisition, construction, or alteration of any medical facilities if the acquisition, construction, or alteration (not including exchange) was approved by the President before Oct. 1, 1979, see section 302 of Pub. L. 96-22, set out as an Effective Date note under section 5001 of this title.

§ 5023. Procurement of prosthetic appliances

The Administrator may procure prosthetic appliances and necessary services required in the fitting, supplying, and training and use of prosthetic appliances by purchase, manufacture, contract, or in such other manner as the Administrator may determine to be proper, without regard to any other provision of law.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1254, § 5013; amended Pub. L. 94-581, title II, § 210(e)(8), Oct. 21, 1976, 90 Stat. 2865; renumbered § 5023, Pub. L. 96-22, title III, § 301(b)(1), June 13, 1979, 93 Stat. 61.)

§ 5024. Grant of easements in Government-owned lands

The Administrator, whenever the Administrator deems it advantageous to the Government and upon such terms and conditions as the Administrator deems advisable, may grant on behalf of the United States to any State, or any agency or political subdivision thereof, or to any public-service company, easements in and rights-of-way over lands belonging to the United States which are under the Administrator's supervision and control. Such grant may include the use of such easements or rights-of-way by public utilities to the extent authorized and under the conditions imposed by the laws of such State relating to use of public highways. Such partial, concurrent, or exclusive jurisdiction over the areas covered by such easements or rights-of-way, as the Administrator deems necessary or desirable, is hereby ceded to the State in which the land is located. The Administrator may accept or secure on behalf of the United States from the State in which is situated any land conveyed in exchange for any such easement or right-of-way, such jurisdiction as the Administrator may deem necessary or desirable over the land so acquired. Any such easement or right-of-way shall be terminated upon abandonment or nonuse of the same and all right, title, and interest in the land covered thereby shall thereupon revert to the United States or its assignee.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1254, § 5014; amended Pub. L. 94-581, title II, § 210(e)(9), Oct. 21, 1976, 90 Stat. 2865; renumbered § 5024, Pub. L. 96-22, title III, § 301(b)(1), June 13, 1979, 93 Stat. 61.)

SUBCHAPTER III—STATE HOME FACILITIES FOR FURNISHING DOMICILIARY, NURSING HOME, AND HOSPITAL CARE

AMENDMENTS

1977—Pub. L. 95-62, § 4(a), July 5, 1977, 91 Stat. 263, substituted "Domiciliary, Nursing Home, and Hospital Care" for "Nursing Home Care" in the subchapter heading.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 5005 of this title.

§ 5031. Definitions

For the purpose of this subchapter—

[*See main edition for text of* (a) *and* (b)]

(c) The term "construction" means the construction of new domiciliary or nursing home buildings, the expansion, remodeling, or alteration of existing buildings for the provision of domiciliary, nursing home, or hospital care in State homes, and the provision of initial equipment for any such buildings.

(d) The term "cost of construction" means the amount found by the Administrator to be

necessary for a construction project, including architect fees, but excluding land acquisition costs.

(As amended Pub. L. 95–62, § 3(1), (2), July 5, 1977, 91 Stat. 262.)

AMENDMENTS

1977—Subsec. (c). Pub. L. 95–62, § 3(1), added the construction of new domiciliary buildings, the expansion, remodeling, or alteration of existing domiciliary and hospital buildings, and the provision of initial equipment for any such buildings to the definition of "construction".

Subsec. (d). Pub. L. 95–62, § 3(2), struck out provisions which had limited the definition of "cost of construction" to the cost of construction of nursing home facilities.

EFFECTIVE DATE OF 1977 AMENDMENT

Section 5 of Pub. L. 95–62 provided that:

"(a) Except as provided in subsection (b) of this section, the amendments made by this Act [amending sections 5031 to 5036 of this title and repealing section 644 of this title] shall be effective October 1, 1977.

"(b)(1) The terms and conditions of any grant made prior to October 1, 1977, under section 644 of title 38, United States Code, and regulations prescribed thereunder, shall remain in full force and effect unless modified, by the mutual agreement of the parties, in accordance with the provisions of subchapter III of chapter 81 of such title, and regulations prescribed thereunder, in effect after September 30, 1977.

"(2) With respect to any grant made prior to October 1, 1977, under subchapter III of chapter 81 of such title, the Administrator of Veterans' Affairs shall, upon application of a grantee, modify the terms and conditions of such grant to comply with the provisions of such subchapter as amended by this Act, and regulations prescribed thereunder, and shall promptly notify each such grantee of the grantee's right to request such modification."

SHORT TITLE OF 1977 AMENDMENT

For Short Title of Pub. L. 95–62, see Short Title of 1977 Amendment note, set out under section 101 of this title.

§ 5032. Declaration of purpose

The purpose of this subchapter is to assist the several States to construct State home facilities for furnishing domiciliary or nursing home care to veterans, and to expand, remodel, or alter existing buildings for furnishing domiciliary, nursing home, or hospital care to veterans in State homes.

(As amended Pub. L. 95–62, § 3(3), July 5, 1977, 91 Stat. 262.)

AMENDMENTS

1977—Pub. L. 95–62 added references to the construction of State home facilities for furnishing of domiciliary care and to the expansion, remodeling, and alteration of existing buildings for furnishing domiciliary, nursing home, or hospital care to veterans in State homes.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–62 effective Oct. 1, 1977, with provision for the continuing force and effect of the terms and conditions of grants made prior to Oct. 1, 1977, under section 644 of this title and with additional provision for the modification of the terms and conditions of both grants made under section 644 of this title prior to Oct. 1, 1977, and of grants made under this subchapter prior to Oct. 1, 1977, see section 5 of Pub. L. 95–62, set out as an Effective Date of 1977 Amendment note under section 5031 of this title.

§ 5033. Authorization of appropriations

(a) There is hereby authorized to be appropriated $15,000,000 for the fiscal year ending September 30, 1978, a like sum for each of the two succeeding fiscal years, and such sums as may be necessary for the fiscal years ending September 30, 1981, and September 30, 1982. Sums appropriated pursuant to this section shall be used for making grants to States which have submitted, and have had approved by the Administrator, applications for carrying out the purposes and meeting the requirements of this subchapter.

(b) Sums appropriated pursuant to subsection (a) of this section shall remain available until expended.

(As amended Pub. L. 95–62, § 3(4), July 5, 1977, 91 Stat. 262; Pub. L. 96–151, title I, § 101(a), Dec. 20, 1979, 93 Stat. 1092.)

AMENDMENTS

1979—Subsec. (a). Pub. L. 96–151 added provisions extending authorization of a like sum from one to two years, and provisions authorizing to be appropriated such sums as necessary for the fiscal years ending Sept. 30, 1981, and Sept. 30, 1982.

1977—Subsec. (a). Pub. L. 95–62 substituted "$15,000,000 for the fiscal year ending September 30, 1978, and a like sum for the succeeding fiscal year" for "$5,000,000 for the fiscal year ending June 30, 1965, and a like sum for each of the fourteen succeeding fiscal years" and "applications for carrying out the purposes and meeting the requirements of this subchapter" for "applications for carrying out the purposes of section 5032 of this title".

Subsec. (b). Pub. L. 95–62 substituted "shall remain available until expended" for "shall remain available until the end of the second fiscal year following the fiscal year for which they are appropriated".

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–62 effective Oct. 1, 1977, with provision for the continuing force and effect of the terms and conditions of grants made prior to Oct. 1, 1977, under section 644 of this title and with additional provision for the modification of the terms and conditions of both grants made under section 644 of this title prior to Oct. 1, 1977, and of grants made under this subchapter prior to Oct. 1, 1977, see section 5 of Pub. L. 95–62, set out as an Effective Date of 1977 Amendment note under section 5031 of this title.

§ 5034. General regulations

Within six months after the date of enactment of this section or any amendment to it with respect to such amendment, the Administrator shall prescribe the following by regulation:

(1) The number of beds required to provide adequate nursing home care to veterans residing in each State, which number shall not exceed two and one-half beds per thousand veteran population in the case of any State.

(2) General standards of construction, repair, and equipment for facilities constructed with assistance received under this subchapter.

(3) General standards for the furnishing of care in facilities which are constructed with assistance received under this subchapter,

which standards shall be no less stringent than those standards prescribed by the Administrator pursuant to section 620(b) of this title. The Administrator may inspect any State facility constructed with assistance received under this subchapter at such times as the Administrator deems necessary to insure that such facility meets such standards.

(As amended Pub. L. 95–62, § 3(5), (6), July 5, 1977, 91 Stat. 262.)

AMENDMENTS

1977—Par. (2). Pub. L. 95–62, § 3(5), substituted "repair, and equipment for facilities constructed" for "repairs, modernization, alteration, and equipment for facilities for furnishing nursing home care which are constructed".

Par. (3). Pub. L. 95–62, § 3(6), substituted "furnishing of care" for "furnishing of nursing home care".

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–62 effective Oct. 1, 1977, with provision for the continuing force and effect of the terms and conditions of grants made prior to Oct. 1, 1977, under section 644 of this title and with additional provision for the modification of the terms and conditions of both grants made under section 644 of this title prior to Oct. 1, 1977, and of grants made under this subchapter prior to Oct. 1, 1977, see section 5 of Pub. L. 95–62, set out as an Effective Date of 1977 Amendment note under section 5031 of this title.

§ 5035. Applications with respect to projects: payments

(a) After regulations have been prescribed by the Administrator under section 5034 of this title, any State desiring to receive assistance for a project for construction of State home facilities must submit to the Administrator an application. Such application shall set forth—

[*See main edition for text of (1) to (3)*]

(4) reasonable assurance that upon completion of such project the facilities will be used principally to furnish to veterans the level of care for which such application is made and that not more than 25 per centum of the bed occupancy at any one time will consist of patients who are not receiving such level of care as veterans,

[*See main edition for text of (5) to (8)*]

(b) The Administrator shall approve any such application if the Administrator finds that—

[*See main edition for text of (1) and (2)*]

(3) the application contains such reasonable assurances under subsection (a) of this section as the Administrator may determine to be necessary, and

[*See main edition for text of (4)*]

(c) No application submitted to the Administrator under this section shall be disapproved until the Administrator has afforded the applicant notice and an opportunity for a hearing.

(d)(1) Upon approving an application under this section, the Administrator shall certify to the Secretary of the Treasury the amount of the grant so approved, but in no event an amount greater than 65 per centum of the estimated cost of construction of the project, and shall designate the appropriation from which it shall be paid. Such certification shall provide for payment to the applicant or, if designated by the applicant, the State home for which such project is being constructed or any other agency or instrumentality of the applicant. Such amount shall be paid, in advance or by way of reimbursement, and in such installments consistent with the progress of construction as the Administrator may determine and certify for payment to the Secretary of the Treasury. Funds paid under this section for the construction of an approved project shall be used solely for carrying out such project as so approved.

(2) No one State may receive in any fiscal year in the aggregate under this subchapter more than one-third of the amount appropriated for carrying out this subchapter in such fiscal year.

(e) Any amendment of any application, whether or not approved, shall be subject to approval in the same manner as an original application.

(As amended Pub. L. 95–62, § 3(7)–(12), July 5, 1977, 91 Stat. 262, 263.)

AMENDMENTS

1977—Subsec. (a). Pub. L. 95–62, § 3(7), (8), substituted in provisions preceding par. (1), "State home facilities must submit" for "State home facilities for furnishing nursing home care must submit" and, in par. (4), "to furnish to veterans the level of care for which such application is made and that not more than 25 per centum of the bed occupancy at any one time will consist of patients who are not receiving such level of care as war veterans" for "to furnish nursing home care to veterans and that not more than 10 per centum of the bed occupancy at any one time will consist of patients who are not receiving nursing home care as veterans".

Subsec. (b)(3). Pub. L. 95–62, § 3(9), substituted "reasonable assurances under subsection (a) of this section as the Administrator" for "reasonable assurances as to use, title, financial support, reports and access to records, and payment of prevailing rates of wages, as the Administrator".

Subsec. (c). Pub. L. 95–62, § 3(10), substituted "afforded the applicant notice and an opportunity for a hearing" for "afforded the applicant an opportunity for a hearing".

Subsec. (d). Pub. L. 95–62, § 3(11), designated existing provisions as par. (1), substituted "the Administrator shall certify to the Secretary of the Treasury the amount of the grant so approved" for "the Administrator shall certify to the Secretary of the Treasury the amount of the grant requested with respect to such project in such application" in par. (1) as so designated, and added par. (2).

Subsec. (e). Pub. L. 95–62, § 3(12), substituted "amendment of any application, whether or not approved," for "amendment of any approved application".

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–62 effective Oct. 1, 1977, with provision for the continuing force and effect of the terms and conditions of grants made prior to Oct. 1, 1977, under section 644 of this title and with additional provision for the modification of the terms and conditions of both grants made under section 644 of this title prior to Oct. 1, 1977, and of grants made under this subchapter prior to Oct. 1, 1977, see section 5 of Pub. L. 95–62, set out as an Effective Date of 1977 Amendment note under section 5031 of this title.

§ 5036. Recapture provisions

If, within twenty years after completion of any project for construction with respect to which a grant has been made under this subchapter (except that the Administrator, pursuant to regulations which the Administrator shall prescribe, may at the time of such grant provide for a shorter period than twenty, but not less than seven, years, based on the magnitude of the project and the grant amount involved, in the case of the expansion, remodeling, or alteration of existing facilities), such facilities cease to be operated by a State, a State home, or an agency or instrumentality of a State principally for furnishing domiciliary, nursing home, or hospital care to veterans, the United States shall be entitled to recover from the State which was the recipient of the grant under this subchapter, or from the then owner of such facilities, 65 per centum of the then value of such construction (but in no event an amount greater than the amount of assistance provided for such construction under this subchapter), as determined by agreement of the parties or by action brought in the district court of the United States for the district in which such facilities are situated.

(As amended Pub. L. 95–62, § 3(13), July 5, 1977, 91 Stat. 263.)

AMENDMENTS

1977—Pub. L. 95–62 substituted "If, within twenty years after completion of any project for construction with respect to which a grant has been made under this subchapter (except that the Administrator, pursuant to regulations which the Administrator shall prescribe, may at the time of such grant provide for a shorter period than twenty, but not less than seven, years, based on the magnitude of the project and the grant amount involved, in the case of the expansion, remodeling, or alteration of existing facilities), such facilities cease to be operated by a State, a State home, or an agency or instrumentality of a State principally for furnishing domiciliary, nursing home, or hospital care to veterans, the United States shall be entitled to recover from the State which was the recipient of the grant under this subchapter, or from the then owner of such facilities, 65 per centum of the then value of such construction (but in no event an amount greater than the amount of assistance provided for such construction under this subchapter)" for "If, within twenty years after completion of any project for construction of facilities for furnishing nursing home care with respect to which a grant has been made under this subchapter, such facilities cease to be operated by a State, a State home, or an agency or instrumentality of a State principally for furnishing nursing home care to veterans, the United States shall be entitled to recover from the State which was the recipient of the grant under this subchapter, or from the then owner of such facilities, 65 per centum of the then value of such facilities".

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–62 effective Oct. 1, 1977, with provision for the continuing force and effect of the terms and conditions of grants made prior to Oct. 1, 1977, under section 644 of this title and with additional provision for the modification of the terms and conditions of both grants made under section 644 of this title prior to Oct. 1, 1977, and of grants made under this subchapter prior to Oct. 1, 1977, see section 5 of Pub. L. 95–62, set out as an Effective Date of 1977 Amendment note under section 5031 of this title.

SUBCHAPTER IV—SHARING OF MEDICAL FACILITIES, EQUIPMENT, AND INFORMATION

§ 5053. Specialized medical resources

(a) To secure certain specialized medical resources which otherwise might not be feasibly available, or to effectively utilize certain other medical resources, the Administrator may, when the Administrator determines it to be in the best interest of the prevailing standards of the Veterans' Administration medical care program, make arrangements, by contract or other form of agreement, as set forth in clauses (1) and (2) below, between Veterans' Administration hospitals and other hospitals (or other medical installations having hospital facilities or organ banks, blood banks, or similar institutions) or medical schools or clinics in the medical community:

[*See main edition for text of (1) and (2)*]

The Administrator may determine the geographical limitations of a medical community as used in this section.

[*See main edition for text of (b) to (d)*]

(As amended Pub. L. 96–151, title III, § 304, Dec. 20, 1979, 93 Stat. 1096.)

AMENDMENTS

1979—Subsec. (a). Pub. L. 96–151 added provisions relating to applicability to organ banks, blood banks, or similar institutions.

CHANGE OF NAME

The Secretary of Health, Education, and Welfare was redesignated the Secretary of Health and Human Services by section 3508 of Title 20, Education.

§ 5054. Exchange of medical information

[*See main edition for text of (a) and (b)*]

(c) The Administrator is authorized to enter into agreements with public and nonprofit private institutions, organizations, corporations, and other entities in order to participate in cooperative health-care personnel education programs within the geographical area of any Veterans' Administration health-care facility located in an area remote from major academic health centers.

(As amended Pub. L. 96–151, title I, § 102(a), Dec. 20, 1979, 93 Stat. 1092.)

AMENDMENTS

1979—Subsec. (c). Pub. L. 96–151 added subsec. (c).

§ 5055. Pilot programs; grants to medical schools

[*See main edition for text of (a) and (b)*]

(c)(1) There is hereby authorized to be appropriated an amount not to exceed $3,500,000 for fiscal year 1976; $1,700,000 for the period beginning July 1, 1976, and ending September 30, 1976; $4,000,000 for fiscal year 1977; $4,000,000 for fiscal year 1978; and $4,000,000 for fiscal year 1979 and for each of the three succeeding fiscal years, for the purpose of developing and carrying out medical information programs

under this section on a pilot program basis and for the grants authority in subsection (b) of this section. Pilot programs authorized by this subsection shall be carried out at Veterans' Administration hospitals in geographically dispersed areas of the United States.

[*See main edition for text of (2), (d) to (f)*]

(As amended Pub. L. 96-151, title I, § 102(b), Dec. 20, 1979, 93 Stat. 1092.)

AMENDMENTS

1979—Subsec. (c)(1). Pub. L. 96-151 added authorization for the three succeeding fiscal years after fiscal year 1979.

§ 5056. Coordination with health services development activities carried out under the National Health Planning and Resources Development Act of 1974

CHANGE OF NAME

The Secretary of Health, Education, and Welfare was redesignated the Secretary of Health and Human Services by section 3508 of Title 20, Education.

CHAPTER 82—ASSISTANCE IN ESTABLISHING NEW STATE MEDICAL SCHOOLS; GRANTS TO AFFILIATED MEDICAL SCHOOLS; ASSISTANCE TO HEALTH MANPOWER TRAINING INSTITUTIONS

§ 5070. Coordination with public health programs; administration

[*See main edition for text of (a)*]

(b) The Administrator may not enter into any agreement under subchapter I of this chapter after September 30, 1979.

[*See main edition for text of (c) to (h)*]

(As amended Pub. L. 96-151, title I, § 103(a), Dec. 20, 1979, 93 Stat. 1093.)

AMENDMENTS

1979—Subsec. (b). Pub. L. 96-151 substituted provisions prohibiting the Administrator from entering into any agreement under subchapter I after Sept. 30, 1979, for provisions prohibiting the Administrator from entering into any agreement under subchapter I or to make any grant, etc., under subchapter II or III after the end of the seventh calendar year after the calendar year in which this chapter takes effect.

CHANGE OF NAME

The Secretary of Health, Education, and Welfare was redesignated the Secretary of Health and Human Services by section 3508 of Title 20, Education.

SUBCHAPTER I—PILOT PROGRAM FOR ASSISTANCE IN THE ESTABLISHMENT OF NEW STATE MEDICAL SCHOOLS

§ 5073. Pilot program assistance

TRANSFER OF FUNCTIONS

For transfer of functions and offices (relating to education) of the Secretary and Department of Health, Education, and Welfare to the Secretary and Department of Education, and termination of certain offices and positions, see sections 3441 and 3503 of Title 20, Education.

SUBCHAPTER II—GRANTS TO AFFILIATED MEDICAL SCHOOLS

§ 5082. Authorization of appropriations

(a) There is authorized to be appropriated for carrying out programs authorized under this chapter $50,000,000 for the fiscal year ending June 30, 1973; a like sum for each of the six succeeding fiscal years; $15,000,000 for the fiscal year ending September 30, 1980; $25,000,000 for the fiscal year ending September 30, 1981; and $30,000,000 for the fiscal year ending September 30, 1982.

[*See main edition for text of (b)*]

(c) There is authorized to be appropriated for fiscal year 1979 to carry out the programs authorized under this chapter such sums as may be necessary (1) to make to institutions with which the Administrator has entered into agreements under subchapter I of this chapter supplemental grants for which the Administrator had, before May 1, 1978, approved applications from such institutions, and (2) to meet fully the commitments made by the Administrator before May 1, 1978, for grants and applications approved under authority of this subchapter and subchapters III and IV of this chapter, except that no funds appropriated under this subsection may be used for grants and applications approved under this subchapter and such subchapters III and IV until the full amounts for which applications had been so approved have been obligated under such subchapter I.

(As amended Pub. L. 95-520, § 7, Oct. 26, 1978, 92 Stat. 1822; Pub. L. 96-151, title I, § 103(b)(1), Dec. 20, 1979, 93 Stat. 1093.)

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-151 added provisions authorizing appropriations for fiscal years ending Sept. 30, 1980 through Sept. 30, 1982.

1978—Subsec. (c). Pub. L. 95-520 added subsec. (c).

§ 5083. Grants

[*See main edition for text of (a)*]

(b) An application for a grant under this section may be approved by the Administrator only upon the Administrator's determination that—

(1) the proposed projects and programs for which the grant will be made will make a significant contribution to improving the medical education (including continuing education) program of the school;

[*See main edition for text of (2) to (4)*]

(As amended Pub. L. 96-151, title I, § 103(b)(2), Dec. 20, 1979, 93 Stat. 1093.)

AMENDMENTS

1979—Subsec. (b)(1). Pub. L. 96-151 struck out provisions relating to requirement that a substantial in-

crease in the number of medical students attending such school result from approval of grant.

SUBCHAPTER III—ASSISTANCE TO PUBLIC AND NONPROFIT INSTITUTIONS OF HIGHER LEARNING, HOSPITALS AND OTHER HEALTH MANPOWER INSTITUTIONS AFFILIATED WITH THE VETERANS' ADMINISTRATION TO INCREASE THE PRODUCTION OF PROFESSIONAL AND OTHER HEALTH PERSONNEL

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 5081, 5082 of this title.

§ 5093. Grants

TRANSFER OF FUNCTIONS

For transfer of functions and offices (relating to education) of the Secretary and Department of Health, Education, and Welfare to the Secretary and Department of Education, and termination of certain offices and positions, see sections 3441 and 3503 of Title 20, Education.

SUBCHAPTER IV—EXPANSION OF VETERANS' ADMINISTRATION HOSPITAL EDUCATION AND TRAINING CAPACITY

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 5082 of this title.